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Wednesday, May 16, 1973
Vaisakha 26, 1895 (Saka)

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Seventh Session
(Fifth Lok Sabha)

सत्यमेव जयते

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LOK SABHA

Wednesday, May 16, 1973/*Vaisakha* 26, 1895 (*Saka*)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWER TO QUESTION

SHORT NOTICE QUESTION

Foundation Stone of Barachauka drainage Scheme laid by Chief Minister of West Bengal

S.N. Q. 9. SHRI SAMAR GUHA: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether the foundation stone of Barachauka Drainage Scheme has been laid by the Chief Minister of West Bengal; and

(b) if so, the programme chalked out for completing the work and the benefits to flow to the local people after its completion?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI BALGOVIND VERMA): (a) The inauguration of the work on the Barachauka Drainage Scheme was done by the Chief Minister of West Bengal, on 20th April, 1973.

(b) Subject to the availability of funds, the State Government of West Bengal have programmed to complete the works by July, 1975. The outlay required for 1973-74 is Rs. 35 lakhs out of the likely estimated cost of Rs. 55 lakhs. The scheme on completion will relieve drainage congestion in an area of 1800 ha in the Barachauka basin in Midnapore District.

SHRI SAMAR GUHA: May I know whether it is a fact that the Barachauka area which is described as 1800 ha is almost perpetually suffering from waterlogging every year and crops are also being damaged every year? May I also know whether it is a fact that during the last six or seven years, a sum of Rs. 56 lakhs has been spent by Government only for temporary relief and bund work, and if so, what stands in the way of the Government impressing upon the West Bengal Government to take up the scheme so that it could be executed within the next three months, in order to have the intensive scheme for cultivation there successful, especially in view of the fact that the scheme which was to cost originally only Rs. 32 lakhs later on went up to Rs. 35 lakhs and now it is estimated to cost Rs. 55 lakhs because of the delay? It had also been stated on the day of inauguration of the work that the work would be taken up subject to availability of funds, and yet on the first day, about 2000 labourers worked there. That being the position, how could it be said that the work would be taken up subject to availability of funds?

SHRI BALGOVIND VERMA: It is a fact that this area has been perpetually under water during the rainy season, and money has been spent on relief operations there. This is not a major scheme and this can very well be undertaken by the State Government out of the flood relief funds.

We have also requested the State Government several times to find funds from out of their budge for the purpose. But they have been pleading that they have got no funds. We have again written to them and I think they can do it.

SHRI SAMAR GUHA: He will please explain this contradiction. The Chief Minister has inaugurated the project at a formal function. About 2000 workers have been engaged in the work. Then how is it that it can now be made subject to availability of funds, when once it has been started?

SHRI BALGOVIND VERMA: I said 'subject to availability of funds' because the State Government say that they have got no funds. If they can find out the funds from their budget, they can easily do it. We feel they can find out this amount.

SHRI SAMAR GUHA: Has any tender for the work of this Barachauka drainage

scheme, of which the foundation stone was laid by the hon. Chief Minister, been called for? Also has the land necessary for the purpose of the scheme been requisitioned? Is it a fact that on 25-11-72 the Chief Minister of West Bengal addressed a letter to Dr. K. L. Rao requesting him to find some funds by way of central assistance so as to quickly execute this scheme? If so, what is the reaction of Government and what was the reply sent by Dr. Rao to the Chief Minister, West Bengal?

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO): It is true the hon. Member, Shri Samar Guha, has been pressing for this scheme for a long number of years. The Government feel that this work must be done in order to give relief to the people who are living in that Barachauka jala area, which is about 1800 hectares. The fact that the Chief Minister has inaugurated it means that he will also find funds for its execution.

I do not have information whether the land has been acquired or not. The scheme involves work on the embankments, constructing sluices and desilting the Baghai river.

It is true the Chief Minister had asked for financial assistance for this work. I have written back saying that this is a small amount involved in this and this could be taken up by the State Government themselves. In any case, I requested him to start the work, and if they find any difficulty, they could write to the Planning Commission, with a copy to us, so that we could pursue it here.

SHRI B. K. DASCHOWDHURY: It is very clear from the reply of the hon. Minister that he requested the Chief Minister of West Bengal to go ahead with the scheme. Is it also a fact that the hon. Minister here has already given assurance that he will provide for the funds so that the Government of West Bengal could go ahead with the scheme not only to protect the 1800 hectares where crops are destroyed annually but to bnefit more than 10 to 15 times that land as a result of the scheme. To save the situation, I would also like to know whether even at this stage the Government of India will make certain special allocations to take up this Barachauka embankment scheme or the drainage scheme on a priority basis?

SHRI BALGOVIND VERMA: It is not correct to say that Government have given any sort of assurance to the West Bengal Government for the completion of this project. They certainly wrote to us for some financial assistance. So we wrote to them that if they so like—because it is a very small scheme—they can make an application to the Planning Ministry as well as the Finance Ministry and they may send a copy to us so that we may also take up their case with these Ministries. That is all that we can do, and nothing more. I think this is within the competence of the West Bengal Government to complete the work, because it is a very small amount.

SHRI A. K. M. ISHAQUE: Sir, since recently the Government has found out a very convenient answer that the West Bengal Government must find out its own resources to implement the schemes. Now, whatever scheme is assigned to the Government, the same pattern of reply is given. May I know if this is the only function of the Central Government, namely, to advise the local governments to find out their own resources, and may I know when this type of answer will stop and from when the Central Government will be giving real help for implementing these schemes?

SHRI BALGOVIND VERMA: Flood relief operations are the concern of the State Governments. Funds are provided in the Plan. We give them block grants and loans not attached to any particular scheme. It is not proper on the part of the West Bengal Government nor on the part of the hon. member to accuse us for the same. They can do so out of their own fund allotted for the purpose.

11.13 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED ATROCITIES ON HARIJANS BY LANDLORDS AND POLICE IN BIHAR

श्री शंकर दयाल सिंह (चतरा): अध्यक्ष महोदय, मैं बिहार के जिला भोजपुर में कौरा गांव में चार हरिजनों और भूमिहीन

मजदूरों की जमींदारों तथा पुलिस द्वारा हत्या कर दिये जाने, वहां की हरिजन महिलाओं के साथ बलात्कार किये जाने, लगभग सभी ग्रामवासियों को गम्भीर रूप से घायल कर दिये जाने तथा जो ग्रामीण पुरुष जीवित रह गये थे उन्हें हिरासत में ले लिये जाने के समाचार की ओर माननीय गृह मंत्री जी का ध्यान दिलाता हूं और उनसे अनुरोध करता हूं कि वे इन पर अपना वक्तव्य दें ।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): Sir, according to the information received from the State Government on 6th May, 1973, a police party which had reached village Choura, PS Sahar, district Bhojpur to arrest 14 persons wanted in connection with a case of dacoity under section 395 IPC was attacked by a mob, shouting Naxalite slogans and armed with deadly weapons. Several police personnel received injuries. In the course of the encounter, the police resorted to firing in which four persons—Sarvashri Lal Mohar Dusadh, Ganeshi Dusadh, Baleshwar Dusadh and Dinanath Sao—were killed and 21 others were injured. Some countrymade guns, live bombs, empty cartridges, two Naxalite red flags and huge quantities of lathis, garasas, spears, etc. were seized from different parts of the area. The police have registered a case and arrested 36 persons. Orders under section 144 Cr.PC have been promulgated and the situation is reported to be under control.

Government of Bihar have ordered the Commissioner, Patna Division to hold a detailed inquiry into the matter including the allegations regarding the circumstances leading to the incident and the justification for the use of force by the police. He has been, in particular, directed to inquire into the allegations that the incident was the outcome of an agrarian dispute relating to wages and that the police have wrongly described the incident as an encounter with Naxalites. The report of the Commissioner is awaited.

श्री शंकर दयाल सिंह : मान्यवर, देश के कई हिस्सों में इस तरह की दुखद, दर्दनाक और शर्मनाक घटनायें बराबर होती रहती हैं और उनके सम्बन्ध में इस सदन में कई बार विचार किया गया है । जब जब प्रान्तीय सरकारें उनको रोकने में असफल होती हैं तो अन्त में केन्द्रीय सरकार से हम इस बात की मांग करते हैं कि वह देखे कि हरिजनों पर जो अत्याचार हो रहे हैं, भूमिहीनों पर जो अत्याचार हो रहे हैं, उनको कम से कम केन्द्रीय सरकार संरक्षण दे । विगत 6 मई, को भोजपुर जिला, जो कि पहले शाहबाद जिला था, जिसने अनेकों क्रान्तकारी पैदा किये हैं, बाबू कुंवर सिंह जी को पैदा किया, हमारे रक्षा मंत्री उसी जिले से आते हैं, इसलिये उस जिले में खास कर इस तरह की कोई घटना हुई है तो उसपर केन्द्रीय सरकार को अधिक से अधिक ध्यान देना चाहिए, क्योंकि वह एक ऐसा जिला है, ऐसी धरती है, ऐसी भूमि है, जिसकी जमीन पवित्रता, जिसकी जमीन क्रान्ति, जिसकी जमीन देश को आवाहन देने के लिये प्रसिद्ध है, उस जमीन पर इस तरह की दर्दनाक घटना हो जाय तो मैं समझता हूं कि केन्द्रीय सरकार को चुप नहीं रहना चाहिये ।

मान्यवर, सरकार की ओर से जो बयान आया है, मैं इसे बिल्कुल अविश्वसनीय दृष्टि से नहीं देखता, लेकिन मैं जानना चाहूंगा कि 6 मई, को जब यह दर्दनाक घटना घटी, उसके बाद अब तक उसकी एन्क्वायरी रिपोर्ट नहीं आई ? 6 मई को यह घटना घटी, पुलिस कमिश्नर को आपने एन्क्वायरी के लिये कहा, आपके पास एन्क्वायरी रिपोर्ट आई या नहीं आई, यदि आई है तो वह क्या है ?

[श्री शंकर दयाल सिंह]

मैं उस गांव में तो नहीं गया, लेकिन मैं उस ज़िले में गया था, मुझे मालूम हुआ है कि नक्सलवादियों का इसमें कोई हाथ नहीं है। पुलिस जब अपनी असमर्थता प्रकट करती है, अकर्मण्यता प्रकट करती है, जब कन्ट्रोल नहीं कर पाती, जब जुल्म रोक नहीं पाती, तो कई तरह के जामे पहन लेती है। मैं आपसे अनुरोध करूंगा कि आप देखें---नक्सलवादियों की बू इसमें कहां से आती है? अगर ये सब बातें गलत हैं तो तुरन्त उन पुलिस अधिकारियों को सस्पेंड करें---यह मेरी मांग है। क्योंकि जब कोई भी जुल्म हो, कोई बात हो तो आप यह नहीं कह सकते कि यह नक्सलवादियों ने किया है।

इसके साथ ही मैं यह भी जानना चाहूंगा कि आपकी रिपोर्ट के अनुसार 4 लोग मरे हैं, जब कि अखबारों की रिपोर्ट के अनुसार 7 व्यक्तियों की मृत्यु हुई है इसमें क्या सच्चाई है? जिन की मृत्यु हुई है उनके परिवारों को सरकार की ओर से क्या रियायत दी गई है, क्या राहत पहुंचाई गई है। क्योंकि मैं जानता हूं कि इन परिवारों के लोग ऐसे हैं जो खाने-पीने के लिये दाने-दाने के मोहताज हैं। जब वह अपना हक मांगते हैं, मजदूरी मांगते हैं शरण मांगते हैं तो उनको बदले में गोलियों का शिकार होना पड़ा। उनके बच्चों को भी पीटा गया, उनके घरों की महिलाओं के साथ जो अभद्र घटनायें हुई हैं, उसका जिक्र मैं इस सदन में नहीं करना चाहता।

मान्यवर, बिहार के कई हिस्सों में इस तरह की घटनायें रोज-बरोज हो रही हैं। ला एण्ड आर्डर बिल्कुल मिटता चला जा रहा है। मैं आपका ध्यान दिलाना चाहता हूं पिछले दिनों हजारी बाग की जो घटना हुई जिसकी इस सदन में भी चर्चा हुई थी, 10-15 दिनों तक वहां कर्फ्यू रहा, पुलिस कन्ट्रोल नहीं कर सकी, तब हमने आपसे अनुरोध किया कि उसको कन्ट्रोल करें। यह घटना देखने में छोटी सी घटना लगती है, लेकिन इतिहास में इसका काला धब्बा सदियों तक नहीं मिटाया जा सकता। इस लिये मैं आपसे दो तीन बातें जानना चाहूंगा :

पहला---पुलिस अफसर तथा अन्य जिन लोगों का इसमें हाथ है, उनके विरुद्ध सरकार ने अब तक कौन सी कार्यवाही की है, या केवल गरीबों को ही पुलिस सता रही है और इसमें सरकार गरीबों को प्रोटेक्शन नहीं दे पा रही है।

दूसरी बात मैं यह जानना चाहता हूं कि 6 तारीख को घटना हुई, पुलिस कमिश्नर को रिपोर्ट के लिए कहा तो उनकी रिपोर्ट आपके पास आई या नहीं आई? आई है तो कौन सी रिपोर्ट आई है?

तीसरी बात यह कि उन परिवारों को आपने राहत पहुंचाई या नहीं? यदि नहीं पहुंचाई तो आप क्या राहत उन्हें देने जा रहे हैं?

इन शब्दों के साथ मैं आपसे अनुरोध करूंगा कि इस तरह की जो घटनायें होती हैं उनको आप यह मत समझें कि यह बिल्कुल छोटी-सी फुंसी या फोड़ा है बल्कि यह नासूर भी बन सकता है, समाज में यह विभीषिका भी पैदा कर सकता है। जिस तरह से एक छोटी-सी चिंगारी आग फैला सकती है उसी रूप में इसका परिणाम भी हो सकता है। उस रूप में मैं आपसे अनुरोध करता हूं कि केन्द्रीय सरकार के कोई वरिष्ठ अधिकारी या कोई मंत्री वहां पर जायें और चश्मदीद गवाहों और गांव वालों से मिलकर उनके बयान लेकर उन लोगों के दुख-दर्द को समाप्त करें।

श्री राम निवास मिर्धा : माननीय सदस्य ने कहा कि कमिश्नर की रिपोर्ट अभी तक क्यों नहीं मिली है उसके सम्बन्ध में यह कहना है कि कमिश्नर सारे तथ्यों की जांच करेगा जिसमें मुख्य रूप से यह भी है कि पुलिस का तो

यह कहना है कि नक्सलवादियों के साथ मुठभेड़ हुई लेकिन कमिश्नर से खासतौर से पूछा गया है कि इस बात की जांच करें कि यह जो बात कही जाती है कि नक्सलवादियों के साथ झगड़ा हुआ क्या वह सही है और साथ ही इस बात की भी जांच करें कि भूमिहीनों का झगड़ा या भूमि सुधार की बात का सम्बन्ध या किसी प्रकार के अत्याचार का सम्बन्ध तो नहीं है। इसलिए इस बात को विशेष तौर से कमिश्नर से कहा गया है कि वह जांच करें कि कौन सी कथन सही है। मैं आशा करता हूं कि कमश्निर की रिपोर्ट अवश्य इस तथ्य पर प्रकाश डालेगी और हम यह भी कोशिश करेंगे कि जितनी जल्दी हो सके कमिश्नर की रिपोर्ट आये ताकि तथ्यों के बारे में पूरी जानकारी मालूम हो सके।

जहां तक पुलिस को निलंबित करने या और कोई कार्यवाही करने का प्रश्न है, यह तब किया जा सकता है जबकि उस रिपोर्ट से मालूम हो कि पुलिस ने कोई ज्यादती की है और किस तरह से की है। इसलिए मैं निवेदन करूंगा कि जब तक कमिश्नर की रिपोर्ट न आये तब तक यह कहना सम्भव नहीं है कि किन पुलिस वालों ने ज्यादती की।

जहां तक मृतकों के परिवारों की सहायता का सम्बन्ध है, इस विषय में हमने राज्य सरकार से कहा है कि उनको कुछ आवश्यक तात्कालिक सहायता दें ताकि जो भी नुकसान हुआ है —नुकसान तो बहुत है, थोड़े पैसे से उसमें क्या हो सकता है लेकिन फिर भी तात्कालिक सहायता अवश्य दी जाये।

श्री शंकर दयाल सिंह : मैंने यह पूछा था सरकार से कि कोई यहां से वरिष्ठ अधिकारी जाकर जांच करे क्योंकि जैसा मैंने कहा है वहां के बड़े पुलिस आफिसर अपने पुलिस वालों को बचा ही लेंगे और यह कह देंगे कि उन्होंने कोई गलती नहीं की है। इसलिए मैं खासतौर से जानना चाहता हूं कि क्या आप केन्द्र से किसी वरिष्ठ अधिकारी को जांच करने के लिए वहां भेजेंगे ?

श्री राम निवास मिर्धा : कमिश्नर की जांच चल रही है उसके अलावा भी हम एक वरिष्ठ अधिकारी को इस मामले की जांच के लिए भेजेंगे जोकि हमको अपनी रिपोर्ट दे सके।

श्री साधू राम (फिल्लौर) : स्पीकर साहब, इस घटना के मुत्तालिक मेरे पास बिहार से लैटर आया है। वहां के तीन एम० एल० एज० ने दूसरे दिन जाकर इंक्वायरी की है और उन्होंने रिपोर्ट मेरे पास भेजी है जिसमें उन्होंने लिखा है कि यह जो आदमी मारे गये हैं, जब उन्होंने घरों के दरवाजे बन्द कर लिये तो दरवाजे तोड़ कर घरों से घसीट कर उनको बाहर निकाला गया और गोली से मार दिया गया। यह मेरे पास महावीर पास्वान, जगदेव राम एम० एल०ए० वगैरह तीन आदमियों की रिपोर्ट है जिन्होंने दूसरे दिन मौके पर जाकर तहकीकात की है। 14 आदमी पुलिस ने गिरफ्तार किये हैं लेकिन उन्होंने कहा है कि डी० एस० पी० के० पी० सिंह की साजिश से यह सारा का सारा मामला रचा गया है। 26-4-73 को चावलों की चोरी का केस बनाया गया, उसके बारे में तहकीकात करने के लिए गांव के बड़े-बड़े लैंड लार्डों को साथ लेकर उस मोहल्ले में गये और जाकर वे सबको मारना-पीटना शुरू कर दिया, उन लोगों के बयान लिए बिना ही, उनसे कुछ पूछे बिना ही उनको मारना-पीटना शुरू कर दिया। उनके बच्चों और औरतों को भी बुरी तरह से मारा। उसके बाद एक आदमी, जिसकी मां ने बयान दिया है कि मेरे बेटे दीनानाथ ने अन्दर से दरवाजा बन्द करके छिप गया था लेकिन पुलिस वालों और लैंड वालों ने दरवाजा

तोड़ कर उसको बाहर निकाला और गोली से मार दिया । इसी प्रकार से लाल मोहर पास्वान को घर से घसीटकर राम स्वरूप राय के मकान पर, जोकि एक लैंड लार्ड है, ले जाया गया और सभी लोगों के सामने गोली से मार दिया गया। तो इस तरह से यह जो सात आदमियों को मारने का वाकया है वह बड़ा शर्मनाक है और इससे देश में यह ख्याल पैदा हो गया है कि हरिजनों को बिना वजह बहाना बनाकर कि यह नक्सलाइट हैं, मारा जा रहा है । दरअसल किस्सा यह था, जैसा एम० एल० एज० ने अपनी रिपोर्ट दी है, यह मजदूरी का झगड़ा था—लैंडलार्डस कहते थे मजदूरी इतनी नहीं देंगे और वे कहते थे कि इतनी मजदूरी लेंगे और इसलिए झगड़ा हुआ। चोरी का केस खाहमखाह बनाया गया और उसके बाद डी० एस० पी० को रिश्वत दी गई लैंडलार्ड ने पैसा इकट्ठा किया। सारे गांव को पता है कि पैसा इकट्ठा करके डी० एस० पी० को रिश्वत दी गई और उसको साथ ले जा करके और पुलिस को साथ लेजा कर के यह सारा वाकया हुआ । यह बहुत ही अजीब वाकया हुआ है, हिन्दुस्तान की आजादी के बाद अब तक ऐसा वाकया देखने को नहीं मिला। सारे हिन्दुस्तान में इस वक्त मध्य प्रदेश में, उत्तर प्रदेश में, बिहार में, राजस्थान में और दूसरी स्टेट में हर जगह वाकये हो रहे हैं और अगर हमारे देश की गवर्नमेन्ट हरिजनों और गरीबों को प्रोटेक्शन नहीं दे सकती है, माइनारिटी कम्युनिटी को प्रोटेक्शन नहीं दे सकती है, लोगों को मरने से नहीं बचा सकती तो मैं समझता हूं यह देश अच्छी हालत में नहीं चल सकता है । यह कौन सी डिमोक्रेसी है जब इस तरह से अन्धेर मचा हुआ है ? वहां पर कांग्रेस की गवर्नमेन्ट है लेकिन मैं उसके लिए क्या कहूं कि अभी तक होम मिनिस्ट्री के पास इस बात की पूरी रिपोर्ट नहीं आई है। वहां पर इतनी हत्यायें हुईं, इतना बड़ा काण्ड हुआ लेकिन अभी तक होम मिनिस्ट्री के पास पूरी रिपोर्ट नहीं है कि वहां पर यह वाकया कैसे हुआ। इसलिए मैं चाहता हूं सेन्ट्रल गवर्नमेन्ट यहां से किसी बड़े अफसर को तैनात करे या फिर होम मिनिस्टर, डिप्टी होम मिनिस्टर ही हां पर जायें और जांच करके उन लोगों को सजा दें वरना आज देश भर में इस बात पर एक बड़ा आन्दोलन हो रहा है मैं अर्ज कर देना चाहता हूं कि उन लोगों को आप प्रोटेक्शन दें ।

श्री राम निवास मिर्धा : इस क्षेत्र में पहले से जमीन और मजदूरी के कुछ झगड़े होते रहे हैं और इस तरह से वहां पर काफी तनाव था । अब जो माननीय सदस्य ने कहा है कि बिहार विधान सभा के तीन सदस्यों ने रिपोर्ट दी है तो एक दो सदस्यों के पत्र मेरे पास भी आये हैं जिन पर हम जांच करवा रहे हैं, वहां सरकार के पास भेजा है और माननीय सदस्य भी वह रिपोर्ट दे दें तो उसके बारे में हम जांच करवा लेंगे । जहां तक जांच का सवाल है, वह तो प्रशासनिक तरीके से राज्य सरकार ही करेगी। भारत सरकार इस सम्बन्ध में जो भी कर सकती है वह हम अवश्य करेंगे । हमारे अफसर जाकर जांच करेंगे, उसमें राज्य सरकार की कुछ मदद भी चाहिए और उससे हम सारी बात करेंगे लेकिन जहां तक सारी कार्यवाही केन्द्रीय सरकार द्वारा अपने हाथ में लेने का प्रश्न है, सदन स्वयं परिचित है कि यह सम्भव नहीं है। राज्य सरकार का तो प्रशासन है उसको हटाकर हम स्वयं वहां कुछ सीमा तक ही कार्य कर सकते हैं लेकिन मुझे पूरी आशा है कि जिस प्रकार से राज्य सरकार ने तत्परता के साथ कमिश्नर को जांच करने का आदेश दिया है और उन सभी तथ्यों की जांच करने का आदेश दिया है जिनका कि उल्लेख किया गया, उसका नतीजा ठीक ही निकलेगा ।

श्री भोला राउत (बगहा) : अध्यक्ष महोदय, मैंने कालिंग अटेन्ईशन का नोटिस दिया था लेकिन मेरा नाम बैलट में नहीं आ सका है। नक्सलाईट कह कर इस बात को बिहार सरकार छिपा रही है, मैं सही बात आपके सामने रखना चाहता हूं इसलिए आप मुझे भी कहने का मौका दे दीजिए।

अध्यक्ष महोदय : आपको मैंने नहीं बुलाया है। आपका इसमें नाम नहीं है। रूल्स के खिलाफ हम कैसे जा सकते हैं।

SHRI INDRAJIT GUPTA (Alipore) : Only two of the members whose names were listed here were present. Further it is the last day. So, kindly be a little indulgent.

अध्यक्ष महोदय : आप जानते हैं कि रूल्ज क्या हैं। जिनके नाम बैलट में आये हैं, सिर्फ वही बोल सकते हैं। अगर मैं आज यह बात मान लेता हूं, तो फिर वह रोज चलेगी। तब माननीय सदस्य ही एतराज करेंगे।

(व्यवधान)

अध्यक्ष महोदय : आप का नाम बैलट में नहीं आया है।

I am sorry, I am not allowing it.... (*Interruptions*) Please sit down now. I am sorry. I very much wish I would have allowed it, but the rules come in the way.

11.32 Hrs.

QUESTIONS OF PRIVILEGE—*Contd.*

(i) NEWS REPORT PUBLISHED IN INDIAN EXPRESS, BOMBAY EDITION, DATED 30TH APRIL, 1973 ALLEGEDLY CASTING REFLECTIONS ON MEMBERS

MR. SPEAKER : I have to refer to certain privilege motions because the House adjourns *sine die* today.

First I will refer to the one about the use of the words "goonda" and "goondai". On the 3rd May, 1973, Shri K. P. Unnikrishnan sought to raise a question of privilege in the House in respect of the following news report published in the *Indian Express*, Bombay Edition, dated the 30th April, 1973. Before taking any action in the matter, we called for their explanation. The news item reads :

"Mr. Limaye said (in a public meeting at Bombay) the Prime Minister had a 'ring of goondas' among the MPs who shouted down the Opposition Members whenever they rose to speak. This happened even when the Prime Minister herself remained present in the House, he added."

I am sorry the words "goonda" and "goondai" are finding their place in the parliamentary proceedings through some source or other. I cannot help it.

Shri Madhu Limaye had then denied having used the word "goondas" as reported in the above news report.

I had then said that the concerned newspaper would be asked to state what it had to say in the matter, as the convention goes. The Editor of the *Indian Express*, in his letter dated the 7th May, 1973, has stated as follows :—

"At the outset I take the full legal and moral responsibility for what has appeared in the Bombay edition of the *Indian Express* dated 30th April, 1973 regarding the speech of Shri Madhu Limaye at Bombay.

Our staff reporter maintains that the report which he has given is a correct translation of what he heard Mr. Madhu Limaye say at the meeting in question.

It is just possible that our reporter misheard what Mr. Madhu Limaye said. Such misreporting does sometimes occur having regard to the conditions under which reporters work".

It is very meaningful and interesting. Further, he says :

"I may assure you that there was no intention on the part of either the reporter or the sub-editor who handled the report to commit any breach of privilege of the Members of the House. I may also mention that in view of Mr. Limaye's attitude to the ruling party and the strong language he had used against the Government and the Prime Minister in some of his other statements, no one in the editorial department had any

reason to feel that Mr. Madhu Limaye was unlikely to make such a statement.

In view of this explanation, I request that the lapse, if any, on the part of the *Indian Express*, Bombay, in publishing the passage to which objection has been taken, may be condoned by the Speaker."

The Editor-in-Chief of the *Indian Express*, in his letter dated the 10th May, 1973, has stated as follows :—

"I acknowledge responsibility for the error complained of in reporting Mr. Madhu Limaye's speech at Bombay and offer my regret for the lapse.

May I say in explanation that the reporter responsible for the coverage maintains that what he wrote represents a faithful translation of Mr. Limaye's speech on this particular point. I am, however, mindful of the possibility that there was misreporting having regard to the difficult conditions in which reporters work and the difficulty of conveying in English the flavour of what is said in another language..."

In the beauty of the language, we are forgetting what Mr. Limaye said or what we have to say. He goes on to say :

"I trust the Speaker will accept my assurance that there was no intention on the part of those who handled Mr. Limaye's speech on the *Indian Express* to breach the privilege of Members of Parliament."

The Printer & Publisher and the concerned Staff Reporter of the *Indian Express*, in their letters dated the 10th May, 1973, have stated that they have nothing more to add to the explanation given by their Editor in the matter.

Now, in view of the above explanation and regret offered by the Editor, Editor-in-Chief, Printer & Publisher and the Staff Reporter of the *Indian Express*, if the House agrees, the matter may be treated as closed.

I hope, the House agree.

HON. MEMBERS : Yes.

MR. SPEAKER : You all agree.

As far as the words, *Goonda*, *Goondai* and *Goondagi* are concerned, I had a good research work done on it. That is beside the privilege motion. Don't add it to the privilege motion.

The office has done some research work in the matter and have prepared a statement showing the meaning of the words, *Goonda*, *Goondai* and *Goondagi* as given in the English, Hindi and Marathi dictionaries.

Do you want me to read that or should it be laid on the Table of the House ? I very much wish my Marathi frineds were assembled together.

The meaning of 'Goonda' given in the Webster's (Third International Edition) is "professional terrorist, Hooligan, Goon, Thug". The words 'Goondai' and 'Goondagi' are not given in Webster. In Chambers' 20th Century and Oxford English Dictionaries the word 'Goonda', 'Goondai' and 'Goondagi' are not given. They have not spoiled their books. Coming to the Hindi Dictionaries, the Hindi-English Dictionary by Chaturvedi & Tiwari gives the meaning of 'Goonda' as "Rogue, scoundrel, hoodlum, hooligan", and of 'Goondai' as "Scoundrelism, rescality, reguery, hooliganism". Bhargava's Hindi-English Dictionary gives the meaning of 'Goonda' as "A rogue, a hooligan, a scoundrel, a dissolute fellow, wicked, knavish" and of 'Goondai' as "Knavishness, rescasity, bullyism, scoundrelism". Gyan Shabd Kosh, Hindi-Hindi Dictionary, gives the meaning of 'Goonda, as "Bhadmash, Duryrant, Khote Chal Chalan Wala". 'Khota' in Punjabi means 'Gadha'. I think, it is 'Khote' and not the Punjabi 'Khota'. Gyan Shabd Kosh gives the meaning of 'Goonda' as "Goondapan, Dushtata". The word 'Goondagi' has not been given in any of the abovenoted four Hindi Dictionaries. In Prof. M. K. Deshpande's Marathi-English Dictionary, the words 'Goondai' and 'Goondagi' are not given.

So, I do not want to pursue it further. From what I see from the available Hindi dictionaries where this word is mentioned, it is not in good sense, it is in very bad taste. In Marathi dictionary, it is not even mentioned.

श्री मधु लिमये (बांका) : मराठी शब्द का जो मैंने उद्धरण दिया था उसका क्या होगा ?

MR. SPEAKER : I think, it is not proper to the dignity of either Mr. Madhu Limaye or any member who wants to defend it. This word is never used and understood in good sense, and I very much hope that Mr. Madhu Limaye will avoid it in future.

श्री मधु लिमये : "आप गुडई मत करिए" यह आपका वाक्य रिकार्ड पर है ।

SHRI PILOO MODY (Godhra) : I hope, this is a restriction only on Mr. Madhu Limaye.

MR. SPEAKER : No; on everybody.

(ii) ALLEGED MAL-TREATMENT AND OBSTRUCTION CAUSED TO SHRI LALJI BHAI, M.P. BY RAILWAY STAFF

MR. SPEAKER : Shri Lalji Bhai has raised a question of privilege. We had sent his complaint to the Railway authorities and he is not satisfied with the report. He says that he was mal-treated, there was some misbehaviour. He is not satisfied with the explanation given by the Railway authorities.

I send it to the Privileges Committee—do you agree ?

HON. MEMBERS : Yes.

MR. SPEAKER : With regard to the privilege matter raised by Shri Phool Chand Verma. I had sent for a report by the Ministry, and they are collecting the facts. So, it is pending and I am not dropping it. Now. Papers to be Laid.

श्री भान सिंह भौरा (भटिंडा) : अध्यक्ष महोदय, पंजाब में आपको पता है बसें जलाई जा रही हैं . . . (व्यवधान) . . .

अध्यक्ष महोदय : इस तरह नहीं, जब मैं आपको बुलाऊंगा तब आप बोलियेगा ।

श्री फूलचन्द वर्मा : अध्यक्ष महोदय, मैं एक निवेदन करना चाहता हूं आपने विशेषाधिकार के सम्बन्ध में . . .

अध्यक्ष महोदय : अभी मैंने उसको रखा है । अभी मैंने उसे ड्राप नहीं किया है ।

श्री फूलचन्द वर्मा : उसमें मैं एक सबमिशन करना चाहता हूं । जरा एक मिनट सुन लीजिए । मैं आपके सामने एक अखबार की कटिंग रखना चाहता हूं । वहां पर कलैक्टर महोदय एन्क्वायरी के लिए गए थे . . .

अध्यक्ष महोदय : इसीलिए मैंने कमेटी को भेजा है । जो आपने मुझे मिलकर बताया इसीलिये मैंने भेज दिया ।

श्री फूलचन्द वर्मा : वहां पर गवाहों को पुलिस आतंकित कर रही है, बयान बदलवाने के लिए दबाव डाला जा रहा है । रात-रात भर उन को थाने में ले जा कर बन्द किया जाता है । यह अखबार में छपा है । इसलिए मेरा निवेदन है कि यह दूसरा विशेषाधिकार का मामला पुलिस के ऊपर बनता है ।

अध्यक्ष महोदय : यह मैं देखूंगा । यह अभी आफ हैंड में क्या कहूं ? आप लिखकर भेज दीजिए मुझे ।

श्री फूलचन्द वर्मा : अध्यक्ष महोदय, आप एक मिनट सुन लीजिए मुझे ।

अध्यक्ष महोदय : दो दफा कैसे होगा ? जब वह आएगा तो मैं आपको फिर खड़ा करूंगा, दूसरे सैशन में ।

श्री फूलचन्द वर्मा : पुलिस गवाहों को तोड़ रही है । गवाहों को आतंकित कर रही है । लीपापोती कर रही है ।

अध्यक्ष महोदय : मुझे आप लिख कर दें । वह चला जायगा ।

श्री फूलचन्द वर्मा : मेरा एक निवेदन सुन लीजिए :

अध्यक्ष महोदय, यह 3 मई, 1973 के दैनिक स्वदेश में समाचार छपा है कि जिलाधीश महोदय जांच करने घटनास्थल पर गए थे । उनके सामने जो बयान हुए उसमें पुलिस के दुर्व्यवहार को सही बताया गया और पुलिस के समर्थन में किसी ने भी बयान नहीं दिया । पता चला है कि इससे घबराकर रात को ही जीप में पुलिस

[श्री फूलचन्द वर्मा]

अधिकारी उक्त क्षेत्र में गये तथा वहां आतंक पैदा करके कुछ लोगों को पुलिस पक्ष में बयान देने हेतु रेल के ठेले में बैठा कर देवास ले गए। रात भर उनको रोका गया और तरह-तरह की यातनाएं दी गईं।

अध्यक्ष महोदय, मैंने यह अखबार कटिंग आप को दी है।

अध्यक्ष महोदय : इसीलिए मैंने इस को पैंडिंग रखा है खत्म नहीं किया है।

MR. SPEAKER : Shri Nayak, on what matter are you standing?

SHRI B. V. NAIK (Kanara) : I am standing under Rule 376 on a point of order in regard to the interpretation of Rule 377 under which I had given you a notice regarding the monopoly house of M/s. Karamchand Thapar who have been acquiring 2500 acres of land in my constituency displacing hundreds of people, not for the sake of their plant or for their factory but for the production of their raw materials and, therefore...

MR. SPEAKER : You are the first Member who gets up with the Rules Book and Constitution. Quoting Rule 377 does not mean any explanation ...

SHRI B. V. NAIK : Under the circumstances, I want to know whether ...

MR. SPEAKER : I have allowed it.

SHRI B. V. NAIK : The rule says that he shall be permitted to raise it at such time and date as the Speaker may fix. So, I would like to know whether it is competent or right for the Speaker to fix the first day of the next session...

MR. SPEAKER : Please do not come at the wrong time.

11.50 hrs.

PAPERS LAID ON THE TABLE

STATEMENT Re. EXAMINATION OF MASTERS AND MATES (AMDT.) RULES

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY) : On behalf of Shri Raj Bahadur, I beg to lay on the Table a statement explaining reasons for delay in laying the Examination of Masters and Mates (Amendment) Rules, 1973 published in Notification No. G.S.R. 272 in Gazette of India dated the 17th March, 1973. [*Placed in Library. See No. LT-5085/73*]

REVIEW & ANNUAL REPORT OF NIDC FOR 1971-72

THE MINISTER OF INDUSTRIAL DEVELOPMENT AND SCIENCE AND TECHNOLOGY (SHRI C. SUBRAMANIAM) : I beg to lay on the Table a copy each of the following papers (Hindi and English Versions) under sub-section (1) of section 619A of the Companies Act 1956 :

(1) Review by the Government on the working of the National Industrial Development Corporation Limited, New Delhi, for the year 1971-72.

(2) Annual Report of the National Industrial Development Corporation Limited, New Delhi, for the year 1971-72 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[*Placed in Library. See No. LT-5086/73*]

AUDIT REPORT ON ACCOUNTS OF DDA FOR 1969-70

THE MINISTER OF WORKS AND HOUSING (SHRI BHOLA PASWAN SHASTRI) : I beg lay on the Table a copy of the Audit Report (Hindi and English versions) on the accounts of the Delhi Development Authority for the year 1969-70, under sub-section (4) of section 25 of the Delhi Development Act, 1957. [*Placed in Library. See No. LT-5087/73*].

(*Interruptions*)

MR. SPEAKER : I am really surprised that this kind of thing is happening in the House every day during this session. I have explained that this is not the time for raising such matters. There is an item in the agenda fixed for that purpose. I shall call the hon. Member later on on that item. But I find that they rise in between all the time. There should be some limit to that.

(Interruptions)

MR. SPEAKER : I am not permitting Shri B. N. Reddy. Let him not do it like this every day. He can raise this matter either through some motion or at the proper time when he is called.

(Interruptions)

MR. SPEAKER : Let him not force himself upon me in this manner. Let him please sit down now. When we are in between on other business, where does the question of scarcity of water come in? Let him not disturb the proceedings of the House. Let him sit down now.

(Interruptions)

MR. SPEAKER : What am I to do with this hon. Member? There is a procedure to be followed. But he does not understand what I am saying. He cannot get up in between and start raising it. I am sorry I cannot permit him now.

STATEMENT RE-RATIFICATION OF INSTRUMENT TO AMEND CONSTITUTION OF ILO

SHRI G. VENKATSWAMY : On behalf of Shri K. V. Raghunatha Reddy, I beg to lay on the Table a statement (Hindi and English versions) regarding the Ratification of the Instrument to amend the Constitution of the International Labour Organisation relating to an increase in the size of the Governing Body [*Placed in Library. See No. LT*-5088/73].

ADMINISTRATOR-GENERAL'S (UNION TERRITORY OF DELHI) RULES, 1972 UNDER ADMINISTRATOR GENERAL'S ACT, 1963

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NITIRAJ SINGH CHAUDHARY) : I beg to lay on the Table a copy of the Administrator-General's Union territory of Delhi) Rules, 1972 (Hindi and English versions) published in Notification No. F. 22/3/72-Judl. in Delhi Gazette dated the 18th September, 1972, issued under the Administrator-General's Act, 1963. [*Placed in Library. See* No. LT-5089/73].

COPY OF "ANNUAL PLAN, 1973-74"

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA): I beg to lay on the Table a copy of the "Annual Plan, 1973-74" (Hindi and English versions). [*Placed in Library. See* No. LT-5090/73]

STATEMENT OF RECEIPTS & EXPENDITURE OF MANIPUR FOR 1973-74, REPORT OF COMPTROLLER & AUDITOR GENERAL FOR 1970-71 ON TRIVENI STRUCTURALS AND NOTIFICATIONS UNDER CUSTOMS ACT, 1962 AND CENTRAL EXCISE RULES, 1944

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : I beg to lay on the Table :—

(1) A statement (Hindi version) of the estimated receipts and expenditure of the State of Manipur for the year 1973-74. [*Placed in Library. See* No. LT-5091/73]

(2) A copy of Report of the Comptroller and Auditor General of India for the year 1970-71—Union Government (Commercial) Part III—Triveni Structurals Limited, under article 151(1) of the Constitution. [*Placed in Library. See* No. LT-5092/73].

(3) (a) A copy each of the following Notifications (Hindi and English versions) under section 159 of the Customs Act, 1962 :—

(i) G.S.R.S. 217(E) to 220(E) published in Gazette of India dated the 30th April, 1973, together with an explanatory memorandum.

(ii) G.S.R. 227(E) published in Gazette of India dated the 1st May 1973, together with an explanatory memorandum.

(iii) G.S.R. 293, published in Gazette of India dated the 24th March, 1973 together with an explanatory memorandum.

(iv) G.S.R. 328 published in Gazette of India dated the 31st March 1973, together with an explanatory memorandum.

(v) G.S.R. 330 published in Gazette of India dated 31st March, 1973, together with an explanatory memorandum.

(vi) G.S.R. 183(E) published in Gazette of India dated the 31st

[Shri K. R. Ganesh.]

March, 1973, together with an explanatory memorandum.

(vii) G.S.R. 409 published in Gazette of India dated 21st April, 1973 together with an explanatory memorandum.

(viii) G.S.R. 426 published in Gazette of India dated the 28th April, 1973, together with an explanatory memorandum.

(b) A statement showing reasons for delay in laying the Notifications mentioned at items (iii) to (viii) above.

[*Placed in Library. See No* LT-5093/73].

(4) (a) A copy each of the following Notifications (Hindi and English versions) issued under the Central Excise Rules, 1944 :—

(i) G.S.Rs. 213(E) to 216(E) published in Gazette of India dated the 30th April, 1973, together with an explanatory memorandum.

(ii) G.S.R. 290 published in Gazette of India dated the 24th March, 1973, together with an explanatory memorandum.

(iii) G.S.R. 359 published in Gazette of India dated the 7th April, 1973, together with an explanatory memorandum.

(iv) G.S.R. 408 published in Gazette of India dated the 21st April, 1973, together with an explanatory memorandum.

(b) A statement showing reasons for delay in laying the Notifications mentioned at items (ii) to (iv) above.

[*Placed in Library. See* No. LT-5094/73].

NOTIFICATIONS UNDER ALL INDIA SERVICES ACT, 1951

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 3 of the All India Services Act, 1951 :—

(i) The Indian Administrative Service (Fixation of Cadre Strength) Second Amendment Regulations, 1973, published in Notification No. G.S.R. 229(E) in Gazette of India dated the 3rd May, 1973.

(ii) The Indian Administrative Service (Pay) Fifth Amendment Rules, 1973, published in Notification No. G.S.R. 230 in Gazette of India dated the 3rd May, 1973.

(iii) The Indian Administrative Service (Emergency Commissioned and Short Service Commissioned Officers) (Appointment by Competitive Examination) Second Amendment Regulations, 1973 published in Notification No. G.S.R. 236(E) in Gazette of India dated the 9th May, 1973.

(iv) The Indian Police Service (Emergency Commissioned and Short Service Commissioned Officers) (Appointment by Competitive Examination) Second Amendment Regulations, 1973, published in Notification No. G.S.R. 237(E) in Gazette of India dated the 9th May, 1973.

(v) The Indian Administrative Service (Appointment by Competitive Examination) Second Amendment Regulations, 1973, published in Notification No. G.S.R. 238(E) in Gazette of India dated the 9th May, 1973.

(vi) The Indian Police Service (Appointment by Competitive Examination) Second Amendment Regulatons, 1973, published in Notification No. G.S.R. 239(E) Gazette of India dated the 9th May, 1973.

(vii) The Indian Administratvie Service (Recruitment) Third Amendment Rules, 1972, pub-

lished in Notification No. G.S.R. 240(E) in Gazette of India dated the 9th May, 1973.

(viii) The Indian Police Service (Recruitment) Second Amendment Rules 1972, published in Notification No. G.S.R. 241(E) in Gazette of India dated the 9th May, 1973.

(ix) The Indian Administrative Service (Pay) Fourth Amendment Rules 1973, published in Notification No. G.S.R. 451 in Gazette of India dated the 5th May, 1973.

(x) The Indian Police Service (Pay) Amendment Rules 1973, published in Notification No. G.S.R. 452 in Gazette of India dated the 5th May, 1973.

(xi) The Indian Administrative Service (Recruitment) Second Amendment Rules, 1973, published in Notification No. G.S.R. 483 in Gazette of India dated the 12th May, 1973.

[*Placed in Library. See* No. LT-5095/73]

MINISTERS' (ALLOWANCES, MEDICAL TREATMENT AND OTHER PRIVILEGES) AMDT. RULES, 1973

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : I beg to lay on the Table a copy of Minister's (Allowances, Medical Treatment and other Privileges) Amendment Rules, 1973 (Hindi and English versions) published in Notification No. G.S.R. 228(E) in Gazette of India dated the 3rd May, 1973, under subsection (2) of section 11 of the Salaries and Allowances of Ministers Act, 1952.

[*Placed in Library. See* No. LT-5096/73]

NOTIFICATIONS UNDER ESSENTIAL COMMODITIES ACT, 1955, ANDHRA PRADESH PANCHAYAT SAMITIES & ZILLA PARISHADS ACT, 1959 AND ORISSA PANCHAYAT SAMITI ACT, 1959

SHRI RAM NIWAS MIRDHA : On behalf of Shri Annasahib P. Shinde, I beg to lay on the Table :—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (6) of section 3 of the Essential Commodities Act, 1955 :—

(i) G.S.R. 327(E) published in Gazette of India dated the 1st July, 1972, regarding distribution of fertilizer.

(ii) G.S.R. 362(E) published in Gazette of India dated the 28th July, 1972 regarding distribution of fertilizer.

(iii) G.S.R. 422(E) published in Gazette of India dated the 30th September, 1972 regarding distribution of fertilizer.

[*Placed in Library. See* No. LT-5097/73].

(2) A copy of Notification No. G.S.R. 345(E) (Hindi and English versions) published in Gazette of India dated the 19th July, 1972, issued under clause 21 of the Fertilizer (Control) Order, 1957.

[*Placed in Library. See* No. LT-5098/73].

On behalf of Prof. Sher Singh, I beg to lay on the Table :—

(1) (a) A copy each of the following Notifications, under sub-section (2) of section 69 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959 read with clause (c) (iii) of the Proclamation dated the 18th January, 1973 issued by the President in relation to the State of Andhra Pradesh :—

(i) G.O.Ms. No. 308 published in Andhra Pradesh Gazette dated the 13th July, 1972 making certain amendment to the Rules relating to competent authority to appoint and transfer members of different cadres of Statutory Panchayat Samities and Zila Parishad; together with an explanatory note.

(ii) G.O. Ms. No. 399 published in Andhra Pradesh Gazette dated the 28th September, 1972 making certain amendment to the

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rules relating to competent authority to appoint and transfer members of different cadres of Statutory Panchayat Samithis and Zilla Parishads, together with an explanatory note.

(iii) G.O.Ms. No. 523 published in Andhra Pradesh Gazette dated the 30th November, 1972 making certain amendment to Andhra Pradesh Panchayat Samithis (Administration Report Rules), 1961, together with an explanatory note.

(iv) G.O.Ms. No. 543 published in Andhra Pradesh Gazette dated the 30th November, 1972 making certain amendment to the rules relating to the Andhra Pradesh Zilla Parishad Administration Report Rules, 1961, together with an explanatory note.

(v) G.O.Ms. No. 548 published in Andhra Pradesh Gazette dated the 7th December, 1972 making certain amendment to the Andhra Pradesh Panchayat Samithis and Zilla Parishads Services (Classification, Control and Appeal) Rules, 1960, together with an explanatory note.

(vi) G.O.Ms. No. 556 published in Andhra Pradesh Gazette dated the 16th November, 1972 making certain amendment to the Andhra Pradesh Panchayat Samithis and Zilla Parishads Ministerial Service Rules, together with an explanatory note.

(vii) G.O.Ms. No. 578 published in Andhra Pradesh Gazette dated the 25th November, 1972 making certain amendment to the Rule regulating sanction of rent for private buildings occupied for locating offices of Zilla Parishads, their Godowns etc., together with an explanatory note.

(b) Seven statements explaining reasons as to why the above Notifications could not be laid before the State Legislature.

(c) Seven statements explaining the reasons for not laying the Hindi versions of the above Notifications.

[*Placed in Library. See* No. LT-5099/73]

(2) A copy of Notification No. S.R.O. 319/73 published in Orissa Gazette dated the 17th March. 1973 making certain amendments to the Orissa Zilla Parishad and Panchayat Samiti Accounting Procedure Rules, 1961 under sub-section (3) of section 57 of the Orissa Panchayat Samiti Act, 1959, read with clause (c)(iv) of the Proclamation dated the 3rd March, 1973 issued by the President in relation to the State of Orissa. [*Placed in Library. See* No. LT-5100/73].

REPORTS OF MONOPOLIES AND RESTRICTIVE TRADE PRACTICES COMMISSION AND A STATEMENT RE. DELAY

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): I beg to lay on the Table—

(1) A copy each of the following Reports of the Monopolies and Restrictive Trade Practices Commission under section 62 of the Monopolies and Restrictive Trade Practices Act, 1969 :—

(i) Report under section 21(3)(b) of the said Act in the case of M/s. Dunlop India Limited, Calcutta, and the order dated 8-1-1973 of the Central Government thereon, together with a copy of letter dated 9-5-1973 from the Ministry of Law, Justice & Company Affairs to M/s. Dunlop India Limited, Calcutta.

(ii) Report under section 21(3)(b) of the said Act in the case of M/s Automobile Products of India Limited and M/s Bajaj Auto Limited and the Order dated 30-11-1972 of the Central Government thereon, together with corrigendum dated 1-1-1973.

(iii) Report under section 21(3)(b) of the said Act in the case of M/s Delhi Cloth and General

Mills Company Limited, Delhi and the Order dated 8-3-1973 of the Central Government.

(iv) Report under section 21(3)(b) of the said Act in the case of M/s Neesha and Company, Bombay and Order dated 14-9-1971 of the Central Government thereon.

(v) Report under section 21(3)(b) of the said Act in the case of the Mattur Chemicals and Industrial Corporation Limited and the Order dated 27-9-1971 of the Central Government.

(vi) Report under section 23(6) of the said Act in the case of M/s Macneill and Barry Limited, Calcutta and Order dated 9-2-1973 of the Central Government thereon.

(vii) Report under section 23(6) of the said Act in the case of M/s Larsen and Toubro Limited and the Order dated 11-10-1972 of the Central Government.

(viii) Report under section 23(6) of the said Act in the case of amalgamation of Willcox Buckwell India Limited with M/s Larsen and Toubro Limited and Order dated 3-9-1971 of the Central Government thereon.

(ix) Report under section 23(6) of the said Act in the matter of merger of Bengal and Assam Investors' Limited, Calcutta, and J. K. Agents (Private) Limited with M.P. Industries Limited, Bhopal and the Order dated 5-11-1971 of the Central Government.

(2) A statement (Hindi and English versions) explaining the reasons for not laying the Hindi versions of the above Reports simultaneously.
[*Placed in library. See* No. LT-5101/73].

TEA (AMENDMENT) RULES UNDER TEA ACT, 1953

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI A. C. GEORGE) : I beg to lay on the Table a copy of the Tea (Amendment) Rules, 1973 (Hindi and English versions) published in Notification No. G.S.R. 368 in Gazette of India dated the 7th April 1973, under sub-section (3) of Section 49 of the Tea Act, 1953. [*Placed in library. See* No. LT-5102/73]

ANNUAL REPORTS OF ICSSR, NEW DELHI, I.I.Ts. OF DELHI & MADRAS, NITIE, BOMBAY AND SCHOOL OF PLANNING & ARCHITECTURE, NEW DELHI FOR 1971-72

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D. P. YADAV) : I beg to lay on the Table—

(1) A copy o fthe Annual Report (Hindi and English versions) of the Indian Council of Social Science Research, New Delhi for the year 1971-72. [*Placed in library. See* No. LT-5103/73]

(2) (i) A copy of the Annual Report of the Indian Institute of Technology, Delhi, for the year 1971-72.

(ii) A statement (Hindi and English versions) explaining the reasons for not laying the Hindi version of the above Report simultaneously.

[*Placed in library. See* No. LT-5104/73]

(3) (i) A copy of the Annual Report of the Indian Institute of Technology, Madras, for the year 1971-72.

(ii) A statement (Hindi and English versions) explaining the reasons for not laying the Hindi version of the above Report simultaneously.

[*Placed in library. See* No. LT-5105/73].

(4) (i) A copy of the Annual Report of the National Institute of Training in Industrial Engineering, Bombay, for the year 1971-72.

(ii) A statement (Hindi and English versions) explaining the reasons for not laying the Hindi version of the above Report simultaneously.

[*Placed in library. See* No. LT-5106/73]

(5) A copy of the Annual Report of the School of Planning and

[Shri D. P. Yadav.]

Architecture, New Delhi, for the year 1971-72.

[*Placed in Libarary. See* No LT-5107/73]

NOTIFICATION UNDER INDUSTRIES (DEVELOPMENT & REGULATION) ACT, 1951 AND REPORTS UNDER COIR INDUSTRY ACT, 1953

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI ZIAUR RAHMAN ANSARI) : On behalf of Shri P. K. Mukherjee I beg to lay on the Table a copy of Notification No. S.O. 202(E) published in Gazette of India dated the 6th April, 1973 regarding the management of the New Maneckchock Spinning and Weaving Company Limited, Ahmedabad, under sub-section (2) of section 18A of the Industries (Development and Regulation) Act, 1951. [*Placed in Library. See* No. LT-5108/73]

I beg to lay on the Table—

(1) A copy each of the following Reports under sub-section (1) of section 19 of the Coir Industry Act, 1953 :—

(i) Annual Report (Hindi and English versions) on the activities of the Coir Board and the working of the Coir Industry Act, 1953 for the year 1971-72.

(ii) Half-yearly Report (Hindi version) on the activities of the Coir Board and the working of the Coir Industry Act, 1953 for the period from 1st April, 1971 to 30th September, 1971.

[*Placed in Library. See* No. LT-5109/73]

(2) A copy of the Central Silk Board (Amendment) Rules, 1972 (Hindi and English versions) published in Notification No. G.S.R. 1250 in Gazette of India dated the 7th October, 1972. under sub-section (3) of section 13 of the Central Silk Board Act, 1948. [*Placed in Library. See* No. LT-5110/73]

REVIEW & ANNUAL REPORT OF NEYVELI LIGNITE CORPORATION FOR 1971-72 AND A STATEMENT RE. DELAY

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): I beg to lay on the Table—

(1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :—

(i) Review by the Government on the working of the Neyveli Lignite Corporation Limited, Neyveli (Tamil Nadu), for the year 1971-72.

(ii) Annual Report of the Neyveli Lignite Corporation Limited, Neyveli (Tamil Nadu) for the year 1971-72 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(2) A statement (Hindi and English versions) showing reasons for delay in lavel the above documents. [*Placed in Library. See* No. LT-5111/73]

11.54 hrs.

COMMITTEE ON ABSENCE OF MEMBERS FROM THE SITTINGS OF THE HOUSE

MINUTES

SHRI S. C. SAMANTA (Tamluk) : I beg to lay on the Table Minutes of the Ninth and Tenth sittings of the Committee on Absence of Members from the Sittings of the House held during the current session.

11.55 hrs.

STATEMENT RE. REPORTED DEATH OF SIX PERSONS IN U.P. DUE TO FOOD POISONING

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : On behalf of Shri Annasaheb P. Shinde I lay on the Table a Statement regarding the reported death of six persons in U.P. due to food poisoning.

STATEMENT

On enquiries from the Uttar Pradesh Government, it has been revealed that no milo was issued to any fair price shop in Banda District and, as such, no person died after eating rationed milo in that district.

In regard to the specific cases of alleged deaths due to food poisoning in Banda District referred to by the Hon'ble Member, the State Government has reported that one Kalloo lodged a report at Police Station Ailani on 3rd May that five of his relations fell ill after taking bread prepared out of atta which had been collected by begging by his cousin sister in the village Alona. Out of the said five relations, three died before any medical aid could be given in the hospital while the rest two were discharged after recovery. The post mortem of those who died could not clearly establish the cause of death. The viscera is being sent to Chemical Examiner by U.P. Government. We are requesting U.P. Government to communicate to us any additional findings in this case.

11.56 Hrs.

PERSONAL EXPLANATION BY MEMBER

श्री चन्द्र शैलानी (हाथरस) : अध्यक्ष जी, गत 10 मई को इस सदन में जब फर्टिलाइजर कारपोरेशन आफ इंडिया के विषय पर चर्चा चल रही थी इसी सदन के एक माननीय सदस्य, श्री एस० एम० बनर्जी ने एक पत्र पढ़ कर सुनाया और यह आरोप लगाया कि यह पत्र मेरे द्वारा लिखा हुआ है। उस पत्र में जो कुछ लिखा गया है उसके विस्तार में तो मैं नही जाना चाहता, लेकिन बहुत ही अदब के साथ अर्ज करना चाहता हूं कि माननीय बनर्जी ने जिस पत्र का हवाला दिया है उसकी फ़ोटो स्टेट कापी मैंने देखी है। यह पत्र मेरे द्वारा नहीं लिखा गया और यह टाइप्ड पत्र नहीं है, बल्कि हाथ से लिखा हुआ है। मैं आपसे विनम्र निवेदन करना चाहता हूं और विश्वास के साथ यह कहना चाहता हूं कि दुनिया के बड़े से बड़े एक्सपर्ट को वह पत्र दिखाया जाय। अगर वह पत्र मेरा लिखा हुआ साबित हो जाय तो बड़े से बड़ा जुल्म में सहन करने के लिए तैयार हूं।

उसमें इस सदन के सम्मानित सदस्य, वरिष्ठ नेता, श्री के० डी० मालवीय और श्री हक्सर के विषय में जो लिखा गया है, उस सम्बन्ध में मैं केवल इतना कहना चाहता हूं कि जहां तक श्री मालवीय का प्रश्न है वह देश के वरिष्ठ नेताओं में से एक हैं और देश की जनता और देश के लिए उनका जो त्यागपूर्ण जीवन रहा है और जो कुर्बानियां उनकी रही हैं, तथा श्री हक्सर ने सरकार में रहकर इस देश और देश की जनता की जो सेवा की है, जो योगदान दिया है वह भुलाया नहीं जा सकता।

अध्यक्ष महोदय : आप बहस मत कीजिये।

श्री चन्द्र शैलानी : ठीक है : मैं केवल इतना ही कहना चाहता हूं कि वह पत्र मने नहीं लिखा है।

11.59 hrs.

CONSTITUTIONS (THIRTY-SECOND AMENDMENT) BILL

THE MINISTER OF HOME AFFAIRS (SHRI UMA SHANKER DIKSHIT): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

SHRI SAMAR GUHA (Contai): I want to oppose the motion for leave to introduce the Bill, for the following reasons.

12.00 Hrs.

A resolution was adopted by this House on the 8th December, 1967 to take steps against this practice of defections. Accordingly, a committee consisting of the Members of all the Opposition parties and also representatives from the Government was formed, and this committee had deliberations and held many meetings, and on the basis of the discussions at those meetings, certain recommendations, some unanimous and some not unanimous—there were some dissenting notes—were also made, and the report was published and circulated by the Government and sent to the Members also.

I agree with the objects of the Bill that the Prime Minister or the Chief Minister

in the case of the States should not continue to hold office without being elected for more than six months. I also agree with the provisions that neither the Prime Minister nor the Chief Ministers should hold office without being elected from the lower House, the Lok Sabha in the case of the Prime Minister, and the Legislative Assembly in the case of the Chief Minister, I quite agree with it.

There were a number of recommendations made. Firstly, there is the code of conduct of the political parties, and a recommendation was made. Then there was a recommendation about the limitation of the size of the council of ministers. Although it was not unanimous, it was the general view of the committee that there should be a limited size of the council of ministers. It was almost accepted.

I may quote from page 8 of the report which says:

"The formula before the committee was that the size of the Council of Ministers should not exceed 10 per cent of the strength of the Lower House in the case of unicameral, and 11 per cent of the strength of the Lower House in the case of bicameral, legislatures; in regard to States and Union Territories where the strength of the legislature was below 100,—" etc.

So, certain recommendations were made.

MR. SPEAKER: These can be gone into at the time of consideration; not when leave is being sought for introduction of the Bill.

Shri Samar Guha: I will finish in one minute. About the right of dissolution being accorded to the council of ministers, questions were raised about the merits. There was also a recommendation made about it. I only want to point out what has been stated in the report which says:

"Compared to roughly 542 cases in the entire period between the First and the Fourth General Election, at least 438 defections occurred in these 12 months alone. Among Independents, 157 out of a total of 376 elected joined various parties in this period. That the lure of office played a dominant part in decisions of legislators to defect was obvious from the fact that out of 210 defecting legislators of the States of Bihar, Haryana, Madhya Pradesh, Punjab, Rajasthan, Uttar Pradesh and West Bengal, 116 were included in the Councils of Ministers which they helped to bring into being by defections. The other disturbing features of this phenomenon were: multiple acts of defections by the same person or set of persons..." etc.

This cycle of defections has been completed. Unfortunately, the ruling party is a grant conglomeration of defectors of different political parties, from the CPI, from the erstwhile Praja Socialist Party, the erstwhile Socialist Party, the Jan Sangh, the Swatantra party and so on.

Now, there is a sign of defections from the Congress party itself. In the States, there are signs of defection from the Congress party and the Congress people are killing the Congress people there. With a view to consolidate their own position, they are bringing this Bill without consulting the Opposition Members. It was the duty of the Government to consult the Opposition parties before introducing this Bill in the House; at the stage of preparation of the draft they should have been consulted and a consensus should have been evolved...

MR. SPEAKER: You can mention this at the time of the consideration stage.

SHRI SAMAR GUHA: When this Bill was in the stage of drafting, what did we witness in Orissa? What did we see in Manipur? In Banaras recently some of the socialist M.Ps had been allured to defeat; in the SSP conference, the highest dignitaries of the Congress Party were present; in fact they addressed that conference and they allured those people to defect. I oppose this Bill because it does not include the consensus that was arrived at by the Defections Committee. The Ruling Party has become a big political super bazar.

MR. SPEAKER: Order, please. This is the introduction stage.

SHRI SAMAR GUHA: I am concluding. This is brought with a view to consolidate the future of the ruling party. This

should be withdrawn and there should have been consultation with the Opposition Parties and on the basis of the consensus a new Bill should be brought before this House.

SHRI UMA SHANKAR DIKSHIT: He has raised certain questions of merit and various details. We are at the stage of introduction of the Bill. All these matters can be considered by the House freely at the time when the Bill is taken up for consideration and we shall certainly deal with them, with the question he has raised as to why defections have taken place and so on. Our understanding of the opinion of the House is that the House as a whole has been wanting a Bill of this kind to come before it...

(Interruptions)

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

SHRI UMA SHANKAR DIKSHIT: Sir, I introduce the Bill.

12.08 Hrs.

QUESTIONS OF PRIVILEGE—*Contd.*

(iii) NON-COMPLIANCE OF THE PROVISIONS OF SECTION 16(2) OF THE INDIAN TARIFF ACT, 1951 BY THE GOVERNMENT

श्री मधु लिमये (बांका) : अध्यक्ष महोदय, केन्द्र सरकार के मंत्रियों ने पिछले तीन वर्षों में टैरिफ कमीशन कानून की एक महत्वपूर्ण धारा का जो लगातार उल्लंघन किया है, इस सभा के और जनता के अधिकारों पर जो आक्रमण किया है और सदन की जो मानहानि की है उसका प्रश्न मैं उठाना चाहता हूं।

इस कानून के खण्ड 16(2) में कहा गया है :

"टैरिफ कमीशन की हर अन्तिम रपट की प्रतिलिपि सरकारी निर्णय के समेत तीन महीनों के अन्दर संसद् के सामने रखनी चाहिए, लेकिन यदि यह रपट नहीं रखी जा सकती है तो उसके कारणों का स्पष्टीकरण करने वाला वक्तव्य पालियामेंट के सामने रखना चाहिए"।

इस कानून ने संसद् को एक बड़ा अधिकार प्रदान किया है और वह है टैरिफ़ कमीशन की सिफारिशों को प्राप्त करना। यह कमीशन विशेषज्ञों का कमीशन होता है। इनके द्वारा की गई जाँच से उपभोक्ताओं को ऊंचे दामों से राहत मिलती है। दामों को नियन्त्रित न करने से मुद्रा स्फीति और दाम वृद्धि से अर्थव्यवस्था का संकटग्रस्त होना अनिवार्य है।

जब से इस मुल्क ने नकली समाजवाद के रास्ते पर आगे कूच शुरू की श्री ललित नारायण मिश्र के नेतृत्व में विदेश व्यापार मंत्रालय ने टैरिफ कमीशन की सिफारिशों को दबाने का काम शुरू किया। पूंजीपतियों से लाखों लाख रुपया वसूलने का इस कमीशन की रपट एक हथियार बन गया है। इसके एवज में पूंजीपतियों को दाम बढ़ाने की पूरी छूट दी गई, कृत्रिम ढंग से चीजों का अभाव उत्पन्न किया गया छोटे बुनकरों तथा उपभोक्ताओं का खून चूसने का सिलसिला प्रारम्भ हो गया।

व्यापार मंत्रालय ने लोक सभा सचिवालय को मेरे पत्राचार के बाद अन्त में जो जानकारी दी है, उस से साबित होता है कि :

(1) टैरिफ कमीशन की विस्कोट एसिटेट फ़िलामेंट और स्टेपल फाइबर की रपट सरकार को 1970 के शुरू के दिनों में प्राप्त हुई। मगर आज तक न इस को सदन के सामने रखा गया है और न ही रखने के कारण बताये गए हैं;

(2) सिन्थेटिक फाइबर रपट 1970 के सितम्बर महीने में सरकार को दी गई। आज तक वह रपट न प्रकाश में आई है और न ही इसको न रखने के कारण कभी लोक सभा को बताये गये हैं;

(3) स्टेपल फाइबर यार्न रपट सरकार को अगस्त, 1972 में मिली। वह भी इसी तरह दबाई गई है;

(4) जूट के विभिन्न सामानों के बारे में दी गई रपट के बारे में भी पार्लियामेंट और जनता को अंधेरे में रखा गया है ;

(5) चीनी सम्बन्धी टैरिफ़ कमीशन की रपट 1969 में सरकार के पास आई। अब चार साल पूरे हो रहे हैं, परन्तु उस रपट को सदन के सामने रखने की सद्‌बुद्धि अभी तक खाद्य मंत्रालय को नहीं हुई है ;

(6) डाल्डा वनस्पति सम्बन्धी रपट 1971 के मध्य में आई। इस मंत्रालय ने इस को भी दबा दिया है ;

(7) लायनोलियम सम्बन्धी रपट 1971 के मध्य में सरकार के पास आई। उस को भी सदन के सामने अभी तक प्रकट नहीं किया गया है और न ही इस की वजह बताई गई है ;

(8) सिन्थेटिक रबर वाली रपट अगस्त 1971 में सरकार को प्राप्त हुई। उस की भी यही दुर्गति हुई है।

अभी यह स्पष्ट है कि कृत्रिम धागा, वनस्पति, कृत्रिम रबर और चीनी, यही चीजें ऐसी हैं, जिन के दामों में भयंकर वृद्धि हुई है और जिन पर करोड़ों-अरबों रुपया बनाया गया है। पूंजीपति, नौकरशाही तथा मंत्रियों ने मिलकर इस लूट में भागीदारी की है।

उपभोक्ता इस चक्की में पीसा जा रहा है।

अध्यक्ष महोदय : आप ने जो टैकनिकल एतराज उठाया है, आप सिर्फ उसी के बारे में बता दें। फिर मिनिस्टर साहब इस का जवाब देंगे।

श्री मधु लिमये : अध्यक्ष महोदय, मैंने आप को लिख कर दिया है कि मैं इस मुद्दे को क्यों उठा रहा हूं। आप ने कहा कि मैं इस लिखित स्पष्टीकरण में से एक शब्द काट दूं। मैंने उस को हटा दिया है, हालांकि वह शब्द अशिष्ट और असंसदीय नहीं था। आप मुझे इस को पढ़ने दीजिए।

श्री ललित नारायण मिश्र से प्रेरणा पा कर इन मंत्रालयों ने भारत को मुनाफाखोरी, लूट और घूस का नन्दन-वन बना दिया है।

संसद् के अधिकारों का, और लोकहित का जानबूझ कर दिया हुआ यह अतिक्रमण 1971 के इन के पाशवी बहुमत का सीधा नतीजा है। क्या यही दिन देखने के लिए, अध्यक्ष महोदय, सैकड़ों नौजवानों ने स्वतंत्रता संग्राम में अपनी जान तक कुर्बान की?

दो सौ बड़ी औद्योगिक कम्पनियों के तौलनिक अध्ययन से पता चलता है कि इन को औसत पूंजी पर 10.9 प्रतिशत, बिक्री का 11.3 प्रतिशत और अपनी मिल्कियत की पूंजी, ओन्ड कैपिटल, पर 10.9 प्रतिशत नैट मुनाफा हुआ।

परन्तु नायलन धागा बनाने वाले पांच बड़े उत्पादकों ने, टैरिफ कमीशन सम्बन्धी आदेशात्मक धारा का विदेश मंत्रालय द्वारा जो उल्लंघन किया गया था, उस का फायदा उठा कर अमाप मुनाफा कमाया।

1971-72 के मुनाफे

कम्पनी का नाम	पूंजी पर ग्राम प्राफिट	कुल बिक्री का प्रतिशत	ओन्ड पूंजी का प्रतिशत
जे० के० सिन्थेटिक्स .	21.6	34.3	32.8
मोदीपान . .	23.3	38.6	21.1
निरलोन सिन्थेटिक्स .	10.9	18.3	14.5
गरवारे नायलन्स .	22.6	46.8	17.6
सैंचरी ऐंका .	28.7	56.2	31.1

किसी भी उद्योग में इस तरह के मुनाफे नहीं मिल रहे हैं, जो कृत्रिम धागा पैदा करने वाले इन उत्पादकों को मिल रहे हैं। इन आंकड़ों में कम्पनियों का जो चोरी के खाते का, बी० एकाउन्ट का मुनाफा है, उस का शुमार नहीं है। एक कैबिनेट के मंत्री ने, जिस का नाम मैं नहीं बताऊंगा, मुझे कहा कि इन के वार्षिक रपट में जो मुनाफा बतलाया गया है, उस से भी अधिक उन का चोर बाजारी का मुनाफा है।

1971-72 में इन पांच कम्पनियों का घोषित मुनाफा इस प्रकार था :

कम्पनी का नाम	कुल मुनाफा	
जे० के० सिन्थेटिक्स	8.42	करोड़
मोदीपान	4.67	करोड़
निरलोन सिन्थेटिक्स	2.07	करोड़
गरवारे	1.84	करोड़
सेंचरी एंका	2.82	करोड़

यह यदि रखना चाहिए कि इस वक्त जे० के० सिन्थेटिक्स के सिंहानिया और मोदीपान के गुजरमल मोदी पर सरकार मेहरबान है। श्री मोदी को सरकार ने कुछ साल पहले "पद्मभूषण" की पदवी बहाल की थी। इन्होंने मारुति लिमिटेड में पूंजी लगाई है। इन्होंने सत्ताधारी दल को अमाप चन्दा दिया है। इसमें से मंत्रियों ने कितना रखा यह उन का भगवान ही जाने।

सरकारी कृपाछत्र में जे० के०, मोदीपान आदि गैरकानूनी ढंग से अपनी पैदावार की शक्ति, इनस्टाल्ड कैपेस्टी, को बढ़ा कर नये और छोटे लोगों को मैदान से हटा रहे हैं। मोदीपान की प्रतिदिन उत्पादन-शक्ति 6 टन से 12 टन हो गयी है जे० के० सिन्थेटिक्स की उत्पादन-शक्ति 6 टन से बढ़कर 14 टन हो गयी है। इस विस्तार से इनकाफी-यूनिट उत्पादन का खर्चा घटा है। मगर क्या इन्होंने धागे का दाम कम किया? नहीं। इन्होंने दामों को और बढ़ाया।

टैरिफ़ कमीशन की रपट प्रकाश में न लाने से इन कम्पनियों का "दाम बढ़ाओ" आन्दोलन बड़ा तेज हो गया है। इन के फ़र्जी दाम सम्बन्धी समझौते के बावजूद दाम राकेट की तरह आसमान को छू रहे हैं। निम्न आंकड़ों से यह बात साफ हो जाती है :

डेनियर	समझौते के अन्तर्गत दाम	31 मार्च के वास्तविक दाम	14 अप्रैल के वास्तविक दाम	24 अप्रैल के वास्तविक दाम
15	74.00	90.00	110.00	105.00
20	70.00	77.00	89.00	91.00
40/10 एस० डी०	62.00	67.00	78.00	80.00
76/20 एस० डी०	60.00	68.00	77.00	76.00

[श्री मधु लिमये]

पार्लियामेंट के कानूनी अधिकारों का उल्लंघन पूरे सदन की मानहानि है। कल की तरह इसमें मंत्रियों की मांफ़ी से काम नहीं चलने वाला है। कानून मंत्री का अपराध तान्त्रिक था। उन्होंने रिपोर्टस को लाइब्रेरी में रखा, सभा-पटल पर नहीं रखा। लेकिन इस मामले में जान-बूझ कर कर संसद का अपमान किया गया है और जनहित की की हानि की गई है। इस मामले की जाँच करने के लिए आप एक विशेष समिति का गठन कीजिए, जैसे इंगलैंड में होता है, या आप स्वयं नियम 227 के तहत यह प्रश्न प्रिविलेजिज कमेटी के पास भेज दीजिए।

यह प्रश्न सत्ता कांग्रेस बनाम विरोधी दल का नहीं है। यह कार्यपालिका के संसद् के अधिकारों पर आक्रमण का सवाल है। सत्ताधारी दल के मेरे जो बुजुर्ग और नौजवान मित्र हैं, इस में उनको भी उतनी ही दिलचस्पी लेनी चाहिए, जितनी मैं ले रहा हूं।

विशेषाधिकार समिति में सत्ताधारी दल का बहुमत है ही। इस लिए इन को बिल्कुल चिन्ता नहीं होनी चाहिए कि विशेषाधिकार समिति दलीय द्वेष से प्रेरित हो कर काम करेगी।

उपरोक्त टैरिफ कमीशन की रपटों को अपने कार्य-काल में सदन के सामने न रखने के मामले में विदेश व्यापार मंत्रालय के, जो अब व्यापार मंत्रालय है, खाद्य मंत्रालय के तथा औद्योगिक विकास मंत्रालय के जो भी मंत्री दोषी हैं, उन सब के खिलाफ़ नियम 225 के तहत मान-हानि भंग का मेरा सुझाव है।

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA): Sir, the hon. member has made some statements of facts and some statements of opinion. In his statements of opinions, he has levelled some grave and unfounded allegations and some insinuation has also been made. That part I strongly deny and repudiate. But about the statement of facts I would submit what he has stated is absolutely correct as a matter of record. It is also true that as per the provisions of the Tariff Commission Act the reports of the Commission had to be laid on the Table of the House within three months failing which the reasons for non-compliance have to be submitted. I am sorry to say that it has not been done, and it could not be done in some cases. But I also like to add that out of the seven reports submitted by the Tariff Commission in the period referred to by the hon. Member, four have already been laid on the Table of the House and only three could not be laid. It is also true, as he has stated, that they they refer to viscose, acetate filament and staple fibre, synthetic fibre, staple fibre and spun yarn.

I also agree with the hon. Member that the price structure of these yarns show a lot of distortion and in some cases, to my mind, unjustifiable price rise. So, the Reports of the Commission deserve a consideration in depth. As you will find, the different reports submitted by the Commission pertain to different Ministries. So, they have to be looked into not by one Ministry, they have to be decided upon in consultation with various Ministries. So, time has been taken and it has been found that, because of the passage of time, some new factors have emerged. These factors have to be taken into account for a re-calculation and re-fixation of rational prices.

I can only say that the provisions of the law could not be complied with, and we are extremely sorry for that. I must express my unqualified regret for that before the House. The distortion and the unjustifiable price rise that has taken place will be remedied and rectified and a rational price structure will be introduced.

श्री मधु लिमये : अध्यक्ष महोदय, मैं यह कहना चाहता हूं कि जैसे कल विवाद और बहस टालने के लिए आपने स्वयं नियम 227 के तहत मामला प्रिविलेजेज कमेटी में भेजा वैसे ही इसको भी भेजें।...(व्यवधान)

श्री मुहम्मद जमील् रहमान (किशनगंज) : अपने दोस्त डनडनिया कम्पनी का नाम नहीं लिया...

श्री मधु लिमये : कोई मेरा दोस्त नहीं है मैं इनको चुनौती देना चाहता हूं .. (व्यवधान) . . .

अध्यक्ष महोदय, सवाल सीधा सा है कि क्या 227 के तहत बिना इस सदन में विवाद किए मामला भेजा जायगा।

MR. SPEAKER: The Minister has expressed regret. What more is required? The reference to the Committee cannot be done every time.

श्री मधु लिमये : यह तांत्रिक गलती नहीं है।

I have made a *prima facie* case.

MR. SPEAKER: Even yesterday when we dealt with this matter, when the Minister who did not lay it on the Table in time expressed regret, we accepted it.

श्री मधु लिमये : मैं इनका खेद स्वीकार नहीं कर रहा हूं । यह कोई टैकनिकल लैप्स नहीं है। आप मुझे सदन की अनुमति माँगने की इजाजत दीजिए। . . . (व्यवधान) . . . मैं वह नहीं मान रहा हूं। मैं अनुमति मांग रहा हूं 225 के तहत।

MR. SPEAKER: The Minister has accepted the mistake and regretted it. What more do we want?

श्री मधु लिमये : आप अस्वीकार कर रहे हैं क्या ? मुझे आपका निर्णय चाहिए। मेरा प्वाइंट आफ आर्डर है। . . . (व्यवधान) . . . गोखले साहब ने कम से कम लाइब्रेरी में रखा था। यहाँ पर तो बिलकुल नहीं रखा गया है।

MR. SPEAKER: I think we should accept his regret. So far as the instructions are concerned, the necessary instructions must be issued. So far as the price structure and other matters referred to in the report are concerned, they can be discussed here. So far as the procedural, technical or legal point of not laying it on the Table within the allotted time is concerned, he has expressed regret. Do we not accept that and say that in future it should not recur? I wonder what he has mentioned in his speech can form part of this motion. The Privileges Committee has just to say whethere it is wrong or not. The Minister himself has accepted it and we accept it.

श्री मधु लिमये : अध्यक्ष महोदय, यह टैकनिकल लैप्स नहीं है, आप मुझे अनु- मांगने की इजाजत दीजिए।

I have made cut a *prima facie* case.

MR. SPEAKER: There is no question of privilege.

SHRI SHYAMANANDAN MISHRA (Begusarai): May I submit that this deserves structures from the chair because the lack of presentation of this particular report has affected vitally the economy of this country?

MR. SPEAKER: If you want structures, I strongly disapprove of it. The Minister has now expressed his regret. I accept it. I am not going to tolerate it in future.

श्री मधु लिमये : अध्यक्ष महोदय, माफ कीजिएगा। आप इस में सदन की कार्यवाही ठीक तरह से चलने दीजियेगा। यह तांत्रिक गलती नहीं है। आप मुझे इजाजत दीजिए। नियम 225 के तहत . . . (व्यवधान) . . .

MR. SPEAKER: He has expressed his regret. What else do you want? I have not given my consent.

श्री मधु लिमये : अध्यक्ष महोदय, मैं उनके खेद को नहीं मान रहा हूं। आप मुझे इजाजत दीजिए।

MR. SPEAKER: I am not holding it in order. I am not giving my consent. (*Interruptions*)

SHRI JYOTIRMOY BOSU (Diamond Harbour): We are debating price-rise every day. Mr. Madhu Limaye has mentioned things which add fuel to the fire. I am not talking about the Minister who has recently taken over charge of the Ministry. I am talking about the Minister who has been in-charge of the portfolio and who has been hand in glove with big business ... (*Interruptions*) This is a very serious matter. This should be referred to the Privileges Committee.

MR. SPEAKER: After the regret, I am not going to do it. (*Interruptions*)

PROF. MADHU DANDAVATE (Rajapur): Yesterday's case and today's case

[Shri Madhu Dandavate.]

are different. In yesterday's case, the reports were laid. Here, that was not done. Therefore, this is really a wilful breach of privilege. The provision, which are already there on the basis of the rules should not be violated. He should be allowed to take the leave of the House ...(*Interruptions*)

श्री मधु लिमये : अध्यक्ष महोदय, मैं नहीं मान रहा हूं, क्योंकि कोई टैकनिकल लैप्स होता तो मैं मान लेता। आप ऐसा क्यों कर रहे हैं? 4 तारीख से कई बार पत्राचार हुआ है इसके बारे में। मैंने जल्दबाजी में कोई कार्यवाही नहीं की है। आप मेहरबानी करके मुझे इजाजत दीजिए अनुमति माँगने की।...(**व्यवधान**) मैं व्यवस्था के प्रश्न पर खड़ा हूं। अगर इनको इसको पराजित करना है तो मुझे कुछ नहीं कहना है। लेकिन सदन के सुपुर्द आप इस मामले को कीजिए। यह टैकनिकल लैप्स नही है, मैं इनको माफ करने के लिए तैयार नहीं हूं। मैंने प्राइमाफेसी केस बनाया है। आप पराजित कर दीजिए, आपको अधिकार है। मैं इस पर निर्णय चाहता हूं। मैं व्यवस्था के प्रश्न पर खड़ा हूं।

SHRI SHYAMNANDAN MISHRA: The hon. Member has tried to reveal some hidden dimensions of the delay. He has tried to establish a *prima facie* case that this delay has resulted in national loss and has caused damage to the Indian economy ... (*Interruptions*)

MR. SPEAKER: If the House wants to discuss any other thing, they are open to discuss it. So far as this legal matter is concerned, that it was not laid within 3 months, he has owned it. He has appologised it. I put it to the House, whether they accept it, and I heard, they accepted it. (*Interruptions*)

SHRI SAMAR GUHA: The mater was not placed before the House ... (*Interruptions*)

MR. SPEAKER: I am sorry; I am not allowing it.

SHRI PILOO MODY (Godhra): I would like to draw your attention to the difference in what happened yesterday and what happened today. What has happened today is that as result of the non-presentation of this report, a considerable damage has been done to the Indian economy. Therefore, this cannot be considered as an aberration or a temporary aberration or a forgetfulness or a technical offence for which an apology would be merely enough. We feel that because it has caused such considerable damage to the Indian economy, there was a wilful and deliberate lapse in not presenting it.

अध्यक्ष महोदय : आप इस पर डिस्कशन कर सकते हैं।

श्री मधु लिमये : आप हर चीज शार्ट ड्यूरेशन डिस्कशन में खत्म कर देते हैं।

अध्यक्ष महोदय : आप लोग टर्म ड्यूरेशन डिस्कशन कीजिए।

श्री अटल बिहारी वाजपेयी (ग्वालियर) : मैं श्री मधु लिमये जी से इस हद तक सहमत हूं कि कानून के हिसाब से ये रिपोर्टें सदन के सामने आनी चाहिए थीं, मंत्री महोदय ने इसका उल्लंघन किया है, वह दोषी हैं। लेकिन इसके लिए उन्होंने बिना शर्त माफी माँगी है। श्री लिमये को यह भी कहना है कि इन रिपोर्टों के पेश न किये जाने से काफी गड़बड़ियाँ हुई हैं, वस्तुओं के दाम बढ़े हैं, मंत्री महोदय के साथ निर्माताओं का गठबन्धन रहा है। मुझे लगता है कि यह मामला गम्भीर है, लेकिन यह प्रिवलेज का मामला नहीं है, इस पर अलग से चर्चा करने का मौका दीजिये।

श्री मधु लिमये : आप क्या कहते हैं -- पार्लियामेंट के अधिकार भंग होते हैं और आप कहते हैं कि मानहानि भंग का मामला नहीं है।

अध्यक्ष महोदय : जैसा वाजपेयी जी ने कहा है कि इस पर बहस होनी चाहिए, उस में मुझे कोई एतराज नहीं है, आप बहस कीजिए, उसके लिये टाइम फिक्स कर देंगे। जहाँ तक प्रिवलेज का सवाल है वह मामला खत्म हो गया है।

PROF. MADHU DANDAVATE : Is it your ruling that no privilege is involved? (*Interruptions*)

MR. SPEAKER : If you want to discuss the other matters, I have no objection. You can discuss in the House. I will allow it.

PROF. MADHU DANDAVATE : Is it your ruling that no contempt is involved here?

MR. SPEAKER : You can discuss in the House. But so far as privilege is concerned that matter is over with the regret.

श्री मधु लिमये : अध्यक्ष महोदय, इसमें विवाद का सवाल नहीं है। मैं व्यवस्था का प्रश्न उठाना चाहता हूं। आप व्यवस्था सुने बिना कैसे आगे चलेंगे। मैं जो मुद्दा उठाऊंगा, आप उस पर निर्णय दीजिए। मैं आप की अनुमति लेकर बोलता हूं।

अध्यक्ष महोदय, मैं जानता हूं, वह मेरी कन्सेन्ट में है। मैं कन्सेन्ट नहीं दे रहा हूं।

श्री मधु लिमये : आप पहले सुन लीजिये, तभी तो निर्णय देंगे।

अध्यक्ष महोदय : मुझे पता है, उस को पढ़ने की क्या जरूरत है।

श्री मधु लिमये : अध्यक्ष महोदय, नियम 225 इस प्रकार है :—

"The Speaker, if he gives consent under rule 222 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned, who shall rise in his place and, while asking for leave to raise the question of privilege, make a short statement relevant thereto."

अब मेरा प्रश्न इस प्रकार है—क्या मैंने यह साबित नहीं किया है कि सदन के कानूनी अधिकारों का उल्लंघन हुआ है और जब सदन के कानूनी अधिकारों का उल्लंघन होता है तो इस को सदन की मानहानि, कन्टेम्प्ट कहा जाता है—मेज पार्लियामेन्ट्री प्रेक्टिस के अनुसार—आप पहला निर्णय इसके बारे में दीजिए।

दूसरा प्रश्न—जब आपने इस मामले को उठाने दिया तो इन्होंने माफी मांगी। मैं भी उस माफी को मान लेता, यदि यह एक टैक्निकल बात होती। जब उस से अर्थ-व्यवस्था खराब हुई है, दामों में वृद्धि हुई है तो यह कोई मामूली बात नहीं है—इसलिये आप इन दोनों मुद्दों पर निर्णय दीजिए।

अध्यक्ष महोदय : इसमें कन्टेम्प्ट नहीं है, मैं आप को इजाजत नहीं दूंगा। जैसा मैंने कल सुना था, वैसा ही आज सुना है, जैसे कल एपालाजी एक्सैप्ट की थी, वैसे ही आज भी की है। मैंने आपको मौका दिया है, मैंने कोई कन्सेन्ट नहीं दी है।

I am not giving my consent to it.

So far as the other matter is concerned, it is finished when he has expressed the apology.

यह दूसरा मामला भी आप का है।

MATTERS UNDER RULE 377

श्री मधु लिमये (बांका) : उठाने का फायदा ही क्या है, जब हर चीज इसी तरह से खत्म की जायेगी।

अध्यक्ष महोदय दो-तीन दिन पहले पश्चिमी बंगाल के सहयोगी आन्दोलन के कुछ नेता हम लोगों के पास आये थे और उन्होंने कहा कि सहयोगिता के ऊपर पश्चिमी बंगाल की विधान सभा ने जो विधेयक पास किया है, उस विधेयक की तीन धारायें ऐसी हैं जिनके चलते स्वतन्त्रता, स्वायत्तता, और गैर-सरकारी (नान-आफिशियल) सहयोगी आन्दोलन का सारी दुनिया में जो स्वरूप है, वह इन तीन धाराओं के चलते खत्म होता है। इसलिये उन्होंने हमसे प्रार्थना की कि हम लोग सदन में यह सवाल उठायें।

अब आप पूछियेगा कि यह तो राज्य का मामला है, इस सदन में कैसे उठेगा? यह

विधेयक राष्ट्रपति के विचारार्थ आरक्षित किया गया है, रिज़र्व किया गया है और संविधान की धारा 200 इस प्रकार है :—

"When a Bill has been passed by the Legislative Assembly of a State or, in the case of a State having a Legislative Council, has been passed by both Houses of the Legislature of the State, it shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President ..."

अगर राज्यपाल की सम्मति तक ही सीमित रहता तो शायद यह मामला यहां नहीं उठता, लेकिन चूंकि राष्ट्रपति के विचारार्थ इस मामले को आरक्षित रखा गया है, और राष्ट्रपति स्वयं अपने से तो फैसला नहीं करते, वे तो केन्द्रीय सरकार की, कैबिनेट की सलाह पर चलेंगे, इसलिये कैबिनेट हमारी बात को सुन ले। मैं केवल तीन मुद्दे संक्षेप में उठाना चाहता हूं।

इसका खंड 23 है, इसमें सरकार और रजिस्ट्रार को किसी भी चुने हुए सदस्य को सोसायटी की कार्य समिति से या जो संस्था होगी उससे निकाल देने का अधिकार दिया गया है। खंड 23, उप-खंड 11 के तहत जो हटाने का निर्णय है, उसको किसी भी अदालत में चुनौती नहीं दी जा सकती।

खंड 26 के तहत चुनी हुई मैनेजिंग कमेटी को बरखास्त करने का रजिस्ट्रार और सरकार को अधिकार दिया गया है इस निर्णय को भी किसी अदालत में चुनौती नहीं दी जा सकती।

खंड 27 में रजिस्ट्रार और सरकार जनरल बाडी (साधारण सभा) के द्वारा जो प्रस्ताव पास किया जायगा, उस प्रस्ताव को बदलने का अधिकार इस खण्ड के तहत रखते हैं। इसलिये आपकी मार्फत जो भी सहयोगी आन्दोलन के मंत्री हैं, किसी मंत्रालय में यह मामला आयेगा। योजना मंत्रालय में जरूर आ सकता है, इसलिए उनसे मैं कहूंगा कि हमारी बातों पर विचार करें। आज न्यायालय के अधिकारों के ऊपर आक्रमण की चर्चा समूचे देश में चल पड़ी है। इन मामलों में भी यदि साधारण सदस्यों के अधिकार और कमेटियों के अधिकार आप छीन लेंगे तो उसके दो नतीजे होंगे—एक तो न्यायालय का महत्व खत्म हो जायेगा और दूसरे किसी भी सहयोगी आन्दोलन की जो स्वायत्तता और स्वतन्त्रता है और उसका जो गैर-सरकारी स्वरूप है— इस पर मैं ज्यादा जोर दे रहा हूं— वह भी खत्म हो जायेगा। इतना ही मुझे निवेदन करना है।

SHRI JYOTIRMOY BOSU (Diamond Harbour): I have also written to you in regard to this question of supersession of co-operative societies in West Bengal ...

MR. SPEAKER: What does he want to say on that?

SHRI JYOTIRMOY BOSU: I want to support what my hon. friend has said. The President should not give his assent to such a drastic Bill which would mean the end of the democratic functioning of co-operative societies and which would mean bureaucratisation. I do not know why the Government of West Bengal are after this.

MR. SPEAKER: Now, Shri S. A. Kader.

SHRI SAMAR GUHA (Contai): I had also written to you in regard to the same matter....

MR. SPEAKER: When such identical notices are received, I normally allow only one or two Members.

SHRI SAMAR GUHA: We have also got an obligation...

MR. SPEAKER: The names of the other Members are there already.

SHRI S. A. KADER (Bombay-Central South): The recent rains have damaged some of the standing crops or grains which are in the market, and reports are coming in that at Moga and other places, huge quantity of grains has been damaged.

I would like to know from Government whether the Meteorological Department had forecast these rains, and if so, whether it was sent to the proper authorities in order to see that the grains lying in the open were covered up or were protected. Our experience of this Department is that their forecasts are generally on the wrong side; if they say that rains will come, rains will not come, and if they say that rains will not come, then rains will come. Many of us have seen the TV programmes and heard the radio programmes and seen also the newspapers, but there was no forecast about the heavy rains that had occurred. If the Meteorological Department has not forecast it, then is it an inefficient department? Or have they no implements to forecast properly? Government should look into this matter and report to the House.

SHRI DINEN BHATTACHARYYA (Serampore): Under rule 377, I want to draw the attention of Government to the news item which has appeared in the *Hindustan Standard* dated the 15th instant regarding the breakdown of one power unit in the DVC. The report says:

> "The second unit of the DVC power generating station here went out of commission and the fault is of such a serious nature that it will not be put back into commission within a fortnight, according to sources close to the plant. The unit was repaired only on May 10.... The latest trouble is likely to have an effect on the power position in Calcutta. The erratic supply has been disrupting production at the DSP and Alloy Steel Plant for the past one week."

I would also like to mention that in the month of April in the steel township of the Durgapur Steel Plant, which is under the Durgapur Steel Plant, one Bimal Chaudhury was murdered by some gangsters.

On the 6th May, again an attack had been made on a number of employees of the Durgapur Steel Plant who were connected with the Durgapur Steel Plant Employees' Union. This matter of the murder of Bimal Chaudhury was raised by the member from that constituency, Shri K. C. Halder, but nothing has come out. This repeated attack is causing serious damage to production as well as to the law and order situation in the steel township.

Another question—this is the last day and tomorrow I will not trouble you with any questions....

MR. SPEAKER: There are others waiting.

(Interruptions)

MR. SPEAKER: I am not allowing anything new.

SHRI DINEN BHATTACHARYYA: Under what rule?

MR. SPEAKER: This was only about the DVC and the other matter.

(Interruptions)

MR. SPEAKER: Kindly sit down.

12.47 hrs.

PERSONAL EXPLANATION BY MINISTER

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D. P. YADAV): Shri Madhu Limaye said in the course of his speech on Appropriation No. 2 Bill, 1973 on 27th April, 1973 that:

> "वह तो आप डी० पी० यादव से पूछिये कि मैं जनता के वोट से हारा या ठप्पामारी से हारा। खुद डी० पी० यादव ने कलेक्टर के सामने कहा कि मैं ठप्पामारी से जीत गया हूं। तो मैंने कहा कि मैं कोई पेटीशन नहीं करता आप पांच साल रहिये। इस बात को काटें। कलेक्टर के सामने उन्होंने कहा है।"

Since I was not present in the House at that time, I rise to refute and contradict the unfounded allegations made by

[Shri D. P. Yadav].

Shri Madhu Limaye. I regret that Shri Limaye's statement, to say the least, is not at all correct. I take this opportunity to deny the veracity of his allegations.

MATTERS UNDER RULE 377—*Contd.*

SHRI P. G. MAVALANKAR (Ahmedabad): Under rule 377, I wish to invite the attention of this House, and particularly of the hon. Railway Ministry, to the very grave and serious difficulties experienced by the small industrial units producing salt at Kharagoda. The matter is very serious. This situation has been brought about by the very short wagon supply for salt this year to Kharagoda as compared to last year and the year before. Unless the wagon supply improves and clearance takes place, there will be great hardship caused to producers working both in the private sector as well as in the co-operative sector.

The monsoon is fast approaching and it is feared that if wagon supply is not improved, sizeable stocks of salt are likely to be washed away causing considerable loss and inconvenience to the industry and the people.

If I may give some figures, between January and April, 1971 as many as 5,282 wagons were supplied to this area. Last year the number of wagons supplied was 4,113. This year, between January and April, at Kharagoda only 2,144 wagons were supplied. Therefore, there has been a shortfall in the supply of wagons to the extent of 1,969. The point is that if adequate wagons are not supplied within a week, all the salt will be washed away, 4 lakh tonnes of salt will be washed away and damage to the extent of Rs. 30 lakhs or more will be caused.

My last point. This area is the Little Rann of Kutch in the border area. As many as 150,000 people are working there. This is a drought-affected area. Yesterday the Finance Minister was saying that drought-affected areas were given more opportunities, whereas here the people have come out of employment. I want the Railway Minister, therefore, to see to it that wagons are supplied immediately so that the workers do not suffer and the drought-affected areas are not put to further hardship.

The Gujarat Government has also been informed of this matter. Since the Government of Gujarat and the Government of India are of one and the same party, why is it that the State Government's insistence has not been accepted by the Government of India in the Ministry of Railways and action taken to improve situation.

श्री रामावतार शास्त्री (पटना) : अध्यक्ष, जी, मैंने दो विषयों पर नियम 377 के अधीन सरकार का ध्यान खींचने का नोटिस दिया था लेकिन उसमें से स्टेशन मास्टरों और असिस्टेंट स्टेशन मास्टरों के मामले में आपने मुझे इजाजत नहीं दी, और एक मसला उठाने की ही इजाजत आपने दी है। मैं यह निवेदन करना चाहता हूं कि अगर आप दोनों मसले उठाने की इजाजत दें, जैसे कि दूसरों को आपने इजाजत दी है तो अच्छा होता।

अध्यक्ष महोदय : मैं दो मिनट आपको देता हूं उसमें एक उठा लीजिये या दो उठा लीजिये।

श्री रामावतार शास्त्री : दूसरे की भी इजाजत दे दें क्योंकि वह भी महत्व का विषय है।

मैं यह कहना चाहता हूं कि बिहार के अखबारों में और यहां के अखबारों में भी जो खबरें आ रही हैं वे बहुत ही हृदय-विदारक और रोमांचकारी हैं. आज के अखबारों में जो खबर आयी है मैं उस के कुछ उद्धरण आपके सामने पढ़ कर सुनाना चाहता हूं जिस से विषय की गम्भीरता का अंदाजा आपको लग जायेगा। पटना शहर और बिहार के दूसरे जिलों में इस बात से आतंक है उसी की तरफ मैं आपके द्वारा सरकार का ध्यान खींचना चाहता हूं यू० एन० आई० की यह खबर इस प्रकार है :

"PATNA, May 15-: Frenzied mobs clinched at least 11 persons and burnt alive three others, including two "awad-

hoots" of the Ananda Marg, on suspicion of being head-hunters or childlifters in different parts of Bihar today, according to the police.

Of the total victims, five persons were beaten to death and three others burnt alive in and around Patna town, two were lynched in and around Muzaffarpur town and four in Madhubani district. With this, the total number of persons killed on suspicion in the last one week in Bihar has gone up to 22.

Two Ananda Margis were first beaten and later burnt alive in Postal Park Mohalla in south Patna. In a similar incident, one person was killed in Bari Bagicha in Khagaul, seven km from here."

तो अध्यक्ष जी, यह इतना गम्भीर मसला है। वहां की पुलिस जो गिरोह बच्चों को उठा कर ले जाने का उन के सर कत्ल कर देने का और उन्हें जहर के इंजेक्शन दे कर मार देने का जघन्य काम कर रहा है उसे पकड़ने में कामयाब नहीं हो रही है। इस तरह का गिरोह पटना और बिहार के विभिन्न जिलों में घूम रहा है, लेकिन सरकार और पुलिस इसका पता लगाने में कामयाब नहीं हो सकी है। इसलिए मैं चाहता हूं कि यहां की सरकार इस तरफ ध्यान दे। और आखिर में एक उद्धरण और सुना देना चाहता हूं :

"Two persons including a woman, suspected to be members of an inter-State gang of childlifters and head-hunters were arrested at Siwan, 60 kilometres from Chapra."

तो इस तरफ भी मैं सरकार का ध्यान दिलाना चाहता हूं। वहां लोगों में आतंक है लोग बात करने से डरते हैं। अगर मैं कहीं जाता हूं और लोग पहचानते नहीं है, तो संदेह करने लगते हैं। अगर किसी बच्चे से किसी का पता पूछते हैं तो उसी में लोग मार खाते हैं। खुद मेरे घर में आतंक है, मेरी बच्ची को मेरी पत्नी अकेले कहीं जाने देने को तैयार नहीं है। मैं पांच दिन पटना शहर में घूम कर आया हूं।

और आखिरी बात रेल मंत्री से निवेदन कर दूं कि वैस्टर्न रेलवे में जो असिस्टेंट स्टेशन मास्टर छुट्टी पर थे या काम पर नहीं गये थे, उनमें से 15 आदमियों को सस्पेंड कर दिया गया है। आपने वायदा किया था कि सस्पेंशन नहीं होगा। तो मैं चाहूंगा कि आप उनके सस्पेंशन को विड्ड्रा कर लें और नार्मल्सी रेस्टोर होने दें।

SHRI SYED AHMED AGA (Baramulla): Mr. Speaker, Sir, I had lost my voice for some months. It has come back now; I cannot talk aloud. I do not want to go back home, however, with the feeling that a person with a feeble voice cannot be given equal attention and equal opportunity. I hope I have made myself clear.

I want today to raise for consideration a matter under rule 377. That is a matter which relates to the reported revolt of the teachers of two medical colleges, Lady Hardinge Medical College and the Maulana Azad Medical College, because of the induction of the non-teaching medical doctors in the teaching line in addition to their duties. It is a very grave matter. This is going to affect not only the Lady Hardinge Medical College and the Maulana Azad Medical College; this will have repurcussions throughout the country because tomorrow the States will also try to bring in doctors from the subdivisions and put them in the medical college. This is not only against the interest of the teaching professionals, those who teach in the colleges; it is also against the interest of the students who go to the medical colleges. When non-teaching doctors go for teaching, they will not pass through the cadre of lecturer, assistant professor and then professor. If a person has got the highest grade, he will straightaway go as a professor though he may not have had the aptitude and may not have done any research. As Minister-in-charge of this portfolio last year Shri Uma Shankar Dikshit had taken a decision that outside doctors would not be taken in for

[Shri Syed Ahmed Aga]

teaching but that decision is now being reversed. It is a grave matter that the decision which was taken after careful consideration should be reversed; because of this reason I want to request you to restrain the Minister from taking any action without proper consideration and thought.

SHRI B. N. REDDY (Niryalguda): Sir, I want to raise a matter of great importance, famine and drought conditions and scarcity of drinking water which has reached serious proportions. That situation endangers the entire Andhra Pradesh. I am told that in Nalgonda district in Telangana and Warrangal district in Hyderabad area, due to scarcity of food serious famine prevails and people are moving away from one area to another in thousands; they are unable to get any relief anywhere. The situation is serious and some starvation deaths had occurred; it is confirmed by a statement of an MLA that starvation deaths had taken place in Nalgonda district. That is dated the 9th of this month. People are moving to places wherever there are wells. People are evicting whole villages due to scarcity of water. Repeatedly reports have appeared in Telangana papers in Telugu and English newspapers. This famine and drought situation is continuing for the last three years. Almost all the M.Ps. representing that area made representations to the Prime Minister last session. No food grains are available in any village and no proper arrangements had been made to deepen the wells and supply drinking water; no urgent or emergent steps are being taken on the part of the Central Government. The Centre is not doing these things; it says the situation in Andhra Pradesh is normal.

13.00 hrs.

What is the normalcy there? The lives of the people are in danger. So, I request the Government to open one foodgrains shop in every village and supply the foodgrains at least at the rate of 75 paise a kilo. Also I request the Government to send immediately a writ to every taluka and make arrangements for digging bore wells. It is, after all a question of taking emergent steps. And a sense of urgency is required here on the part of Government. So, I request him to move in the matter.

MR. SPEAKER: Shri Prasannabhai Mehta. I suppose this is not a State matter.

SHRI P. M. MEHTA (Bhavnagar): Sir, this is not a State matter. This is a very serious one. With your permission, Sir, I want to make a submission. I shall not take much of the time.

I want to bring a matter of public importance to the notice of this House. The hon. Members are aware of the police firing upon the innocent citizens of Town Limdi of Saurashtra region, Gujarat, which took place on the 27th April, 1973. Police firing resulted into 2 deaths of young men, one of 31 years of age and the second of 17 years.

Sir, this is a very serious matter. The State Government, it is learnt from reliable sources, has refused to constitute any judicial inquiry on the ground that the Union Government have given directive to the State Government to the effect ......

MR. SPEAKER: How is the Government here concerned with this. This is a law and order problem.

SHRI P. M. MEHTA: The Union Government have given directives to the State Government to the effect that the State Government should not institute any judicial inquiry where any public demonstration or agitation is staged by......

MR. SPEAKER: I am sorry, this is a State matter and this pertains to the State Government.

SHRI P. M. MEHTA: Sir, the police firing resulted in deaths. Now, if the Union Government have directed the State Government not to institute any judicial inquiry into the event of deaths caused by police firing at any political party's demonstration, it is highly objectionable, grossly unjustified and contrary to the principles of natural justice, and also it amounts to total disregard of precious human lives.

Under these circumstances, the hon. Home Minister must make a statement whether any such directives—formal or informal advice have been given to State Govt. for not instituting a judicial inquiry

into the police firing if people stage demonstration at the call of any political party. If the Government will not make the position clear in the House, the people of this country will take it as a fact that the Union Government have certainly issued such directives or formal or informal advice to the State Government.

श्री अटल बिहारी वाजपेयी (ग्वालियर) : एक शब्द मैं भी कहना चाहता हूं । मैं लम्बड़ी गया था । मैंने वह स्थान देखा है जहां गोली चली थी । मुझे बताया गया है कि गुजरात सरकार जूडिशियल इनक्वायरी कराना चाहती थी लेकिन केन्द्र ने मना कर दिया और कह दिया कि ऐसे मामलों में जूडिशियल इनक्वायरी नहीं होनी चाहिए ।

अध्यक्ष महोदय : केन्द्र का नाम लेने से वह केन्द्र का विषय नहीं बन जाता है ।

श्री अटल बिहारी वाजपेयी : अगर ये डिनाई नहीं करेंगे तो जो धारणा बन गई है उसकी पुष्टि हो जाएगी ।

SHRI SAMAR GUHA (Contai) : Sir, I want to make a submission here.

MR. SPEAKER : There is nothing before the House.

श्री भान सिंह भौरा (भटिंडा) : बार-बार यह कहा गया है कि डीजल यहां से पंजाब भेजा जा रहा है । लेकिन वह वहां भेजा नहीं गया है । आज ही खबर आई है अखबारों में कि डीजल हंगरी फार्मर्ज आफ पंजाब लूट . . . .

MR. SPEAKER : I am so sorry. The whole of yesterday was taken up by this debate. Why do you want to take it up again?

श्री भान सिंह भौरा : खाद्य मंत्री और रेल मंत्री बैठे हुए हैं । वे डीजल पंजाब को भेजते क्यों नहीं हैं ? वे जल्दी क्यों नहीं करते हैं इस काम को ?

SHRI JYOTIRMOY BOSU (Diamond Harbour) : Sir, last week I raised the matter about Prof. Dawson. It was sent to the Minister. To-day is the last day of the session.

MR. SPEAKER : I have sent it to the Education Minister.

SHRI JYOTIRMOY BOSU : The session is going to be over. Thereafter, it will have no meaning. You will please allow me to make a submission.

MR. SPEAKER : I am not allowing that unless I hear from the hon. Minister. I am sorry, it is not my fault.

SHRI JYOTIRMOY BOSU : If he is not sending a reply, who will guide me?

MR. SPEAKER : I shall guide you later on. Unless I hear from him I am not going to allow you. This is a university affair. I want to give the Professor an opportunity. After all, they have their autonomy. I feel no justification in the matter. Unless I hear from the Minister of Education, I am not going to allow that. By merely writing to me, you are not entitled to raise it. I have sent it to the minister and I will study his reply. If something is wrong, certainly it will be looked into. This Parliament will continue for another three years.

SHRI SAMAR GUHA : A telegram has been sent by the West Bengal Minister in charge of the development of Sunderbans requesting the Railway Minister to permit early construction of the railway line there. I raised a debate on the development of the Sunderbans and the Central Government advised the West Bengal Government to constitute Sunderbans into a separate district. The Government of West Bengal have done it. Mr. Pai made a commitment to the West Bengal Government that if a traffic survey is found favourable, there will be no necessity for a techno-economic survey. A traffic survey was made and it has been found to be favourable. So, I request the Railway Minister to see that the construction of the railway line there is taken up. *(Interruptions)*.

MR. SPEAKER : These are not matters for Rule 377.

श्री चंद्रिका प्रसाद (बलिया) : हमारे यहां उत्तर प्रदेश में और मेरे क्षेत्र में मिट्टी का तेल, डालडा आदि नहीं मिल रहे हैं । मिट्टी का तेल दो रुपये बोतल बिक रही

[श्री चन्द्रिका प्रसाद]

है। मिलों वाले ट्रेडर्ज से कहते हैं कि हमें ज्यादा दाम दो तब हम बनस्पति घी देंगे। इस तरह के जो मिल मालिक हैं उनके खिलाफ कार्रवाई होनी चाहिए। यह ब्याह, शादियों का मौसम है। इस में लोगों को तेल, घी आदि दिलाने की व्यवस्था होनी चाहिए। सिमेंट भी हमारे यहां नहीं मिलता है। वह भी उपलब्ध किया जाना चाहिए। उसका भी ब्लैक चल रहा है। हमारे क्षेत्र में इन चीजों का भयंकर अकाल है। उत्तर प्रदेश बहुत बड़ा प्रदेश है और उसकी आबादी के लिहाज से उसको इन वस्तुओं का कोटा मिलना चाहिए।

13.08 hrs.

RESOLUTIONS RE. RAILWAY CONVENTION COMMITTEE

THE MINISTER OF RAILWAYS (SHRI L. N. MISHRA) : I beg to move :

"That this House do resolve that the membership of the Parliamentary Committee to be appointed in pursuance of a resolution adopted by Lok Sabha on 7th May, 1973 to review the rate of dividend which is at present payable by the Railway Undertaking to General Revenues as well as other ancillary matters in connection with the Railway Finance *vis-a-vis* the General Finance and make recommendations thereon, be increased by 2 more members of this House to be nominated by the Speaker."

MR. SPEAKER : The question is :

"That this House do resolve that the membership of the Parliamentary Committee to be appointed in pursuance of a resolution adopted by Lok Sabha on 7th May, 1973 to review the rate of dividend which is at present payable by the Railway Undertaking to General Revenue as well as other ancillary matters in connection with the Railway Finance *vis-a-vis* the General Finance and make recommendations thereon, be increased by 2 more members of this House to be nominated by the Speaker."

The motion was adopted.

SHRI L. N. MISHRA : I beg to move :

"That this House do recommend to Rajya Sabha to agree to associate one more member from Rajya Sabha with the Parliamentary Committee to review the rate of dividend which is at present payable by the Railway Undertaking to General Revenues as well as other ancillary matters in connection with the Railway Finance *vis-a-vis* the General Finance and make recommendations thereon, to be nominated by the Chairman and to communicate the name of the member so appointed to this House."

MR. SPEAKER : The question is :

"That this House do recommend to Rajya Sabha to agree to associate one more member from Rajya Sabha with the Parliamentary Committee to review the rate of dividend which is at present payable by the Railway Undertaking to General Revenues as well as other ancillary matters in connection with the Railway Finance vis-a-vis the General Finance and make recommendations thereon, to be nominated by the Chairman and to communicate the name of the member so appointed to this House."

The motion was adopted.

13.10 hrs.

STATEMENT RE. REPORT OF SUGAR ENQUIRY COMMITTEE

THE MINISTER OF AGRICULTURE (SHRI F. A. AHMED): Sir, yesterday the hon. Member, Shri Laxminarain Pandeya, raised the question of the report of the Sugar Enquiry Committee. I have great pleasure to inform the House that the Report of the Committee was submitted to me yesterday evening and it is under examination.

13.11 hrs.

MOTION RE. ALLEGED MISLEADING STATEMENTS BY MINISTERS

MR. SPEAKER : The House will now take up the motion to be moved by Shri Shyamnandan Mishra. The time allotted is four hours.

SHRI SHYAMNANDAN MISHRA (Begusarai) : Sir. I beg to move :

"That this House deplores the conduct of Shri C. Subramaniam, Minister of Industrial Development, Shri V. C. Shukla, Minister of State for Defence Production and Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs for misleading the House in their statements made in the House on the 22nd December, 1972, 1st March, 1973 and 7th March, 1973 with regard to the violation of the provisions of and orders made under the Indian Works of Defence Act, 1903 inspite of objections taken by the appropriate Defence authorities."

I am conscious of the fact that the subject is potentially explosive, if you take the entire gamut of it. A furious national debate, as it were, has raged on this subject for quite some time and some friends have mistakenly, and I am particularly pointing out to the hon. friends on the other side, taken it to be a detonator on their heads. Whenever this subject has been mentioned in this House, we have found the spectacle that they create now. Therefore, I have to say right in the beginning, rather let me assure this House, that I would try to defuse it and place it on a matter of fact and unemotional level. I would request hon. Members to co-operate with me and bestow on it a cool, objective and dispassionate consideration.

I am also quite conscious of the responsibility to handle it with due care because what is involved in this is not only the integrity of the three Ministers I have mentioned in the motion but also the question of the integrity of the Government as a whole. I may also say with all humility that what the three Ministers were doing represented a fall from the high standards which alone can sustain democracy. Could you believe that even now records are being tampered with and, thanks to Mr. Bansi Lal of Haryana, I would be able to produce some evidence of tampering with records in Government offices. That I propose to do during the course of my reply. I would not say anything about it just now.

I shall first give the profile of the subject in general terms. My charges against the three Ministers are quite a few,—probably they number about seven or eight—and I propose to deal with them as fully as possible during the time that is available to me. I shall deal with them chronologically so that the full picture is before the House.

To begin with, two misleading statements, wrong statements, were made by Mr. C. Subramaniam and Mr. V. C. Shukla on the 22nd of December, when they intervened in the debate on the policy for the manufacture of a small car. There also I might say that these wrong statements were made during the course of my exchanges with the two Ministers, so that the House will realise that I have not gone out of my way to bring up this matter before the House. In fact, the injured party is, Shyamnandan Mishra in the first instance, secondly the House as a whole and, thirdly, the country itself.

Now, the flurry of misrepresentations that followed, and to which this House has been so statistically subjected, originated from the false statements made by the two Ministers, Mr C. Subramaniam and Mr. Vidya Charan Shukla, on the 22nd December, 1972. I maintain that these statements were made with a set design to promote and protect some private interest at the cost of the national interest or the public interest. From these statements which they made during the course of discussion on the small car project, it would appear that they had very unabashedly tried to mislead the House. Pointed allegations were made during the course of the debate that there have been violations of law, rules and regulations, guarding the defence installations at Gurgaon. It is in this context that the exchange took place and the two Ministers denied, firstly, that there had been any infringement of law, rules and regulations guarding the safety of the defence installations at Gurgaon. Secondly, they had denied that there was any objection from a competent appropriate defence authority in regard to the acquisition of land for private interest in the vicinity of the defence installations at Gurgaon.

These are the two mother mis-statements or misrepresentations from which the children—other mis-statements and misrepresentations—follow. I would not weary the House with the actual exchange

[Shri Shyamnandan Mishra]

that took place between me and the two Ministers. But may I remind the House that there had been an emphatic assertion, so far as the Minister of Industrial Development is concerned, that he was speaking as a Cabinet Minister, that he was speaking with all the authority of the Cabinet and that his saying so was perhaps more responsible than the Minister for Defence Production saying so.

These denials, I submit, were not off-the-cuff remarks of these Ministers made on the spur of the moment. They were not such remarks as tripped off their tongue all too suddenly. They were thoroughly premeditated, pre-conceived and pre-planned remarks. They were cool and calculated remarks made with the object of serving the private interest or the personal interest of some in the Government and some outside if you consider them against the background of my letter which I wrote to the Minister for Defence Production on the 22nd November, exactly one month before the debate on the small car project took place in the House.

What fate overtook my letter? Now, the House must consider in all seriousness that my letter has been replied to on the 5th May. I ask the House to consider the implication of the fact that a letter written on the 22nd November is replied to by the Minister of Defence Production on the 5th May. What a fun to receive a reply after 6 months or so! Could it happen in any country of the world where democracy is at work that a Member of Parliament writes a letter and he draws a blank? Then, I ask, whether you could treat it as a reply which the Minister was good enough to condescend to send me. Whether it can be considered as a reply at all? It is a mere acknowledgement after 5 or 6 months

That gives the clue why these people have been trying to put a cover on the whole thing all the time. It is indeed a matter for you, Sir, also to consider because it is, in fact a matter of privilege of Members of Parliament to seek and obtain the information from the Ministers. If the Minister had complied with my request to furnish full information, I could have satisfied myself with any kind of reply. But even a reply was not forthcoming Why? That is preciously because of the nature of the case which they were handling and because they did not want to come out with any kind of information in this regard. What had my letter asked for? My letter precisely asked for information—in fact, my letter was a warning in a sense that, it they wanted to be alert, this was the information which was going to be sought from them later—regarding the rules and regulations of the Defence Department that prohibit construction within a particular distance, within a certain distance, of defence installations. I had also sought to know whether my information was correct that the Defence Department maintained a safety belt of 1,000 yds. around ammunition depot and military installations. I had referred to a particular Notification issued by the Government of India in this regard, and it is that Notification which was later on pronounced as ineffective by the hon. Minister. I had asked for information on the 22 November, specifically referring to this Notification. If there had been such rules and regulations and laws, I had further asked, whether there had been instances of violation of those laws, rules and regulation; and if there were such violations, what consequential action had the Government taken with regard to them. These were, precisely, the pieces of information which I had sought to obtain from them.

As I told you, this letter drew a complete blank from them. They replied only on the 5th May—about 11 days back. Why had this reply come at all? The only answer is that perhaps, the matter was coming before the House and the hon. Minister thought that he was going to be hauled up before parliament for not showing even ordinary courtesy in this matter.

Mr. Speaker, these denials were thoroughly exposed when a crucial document, namely, the letter of the Commanding Officer dated the 11th March 1971 was discovered. Then it came to light that these denials were false. Through this letter the Commanding Officer had informed the Air Headquarters and the Chief Secretary, Haryana Government, on the 11th March 1971—even one letter from the Government of India is enough to put any Government on the mat and

here was a letter from the Commanding Officer on the 11th March, 1971 to the Chief Secretary of Haryana Government—that it had come to the notice of the Air Force Station that the Haryana Government had acquired certain land around the Gurgaon Depot, *vide* their Notification No. LAC/71/515 dated the 24th February, 1971. It was known, he had stated, that the land was acquired for the construction of a factory. And, subsequently, it came to be known that this was for the factory called the Maruti Limited. However, at this stage, I do not want to focus attention on the ownership of the factory or the person who heads that factory, although they are undoubtedly important and relevant in the consideration of the whole matter. The Commanding Officer had stated that acquisition of land for use by agencies other than those of the Government would constitute a risk to the security of the Explosives Depot as well as to the Air Field. I repeat he had particularly mentioned that this step would constitute a risk to the security of the Explosives Depot and the Air Field. The Commanding Officer had also drawn attention to two letters which had been, earlier, circulated to all the State Governments...

SHRI K. P. UNNIKRISHNAN (Badagara): Will you take responsibility for that letter?

SHRI SHYAMNANDAN MISHRA: I have already taken full responsibility for that letter.

This letter of the Commanding Officer had also referred to two letters of the Government of India, one pertaining to the year 1956 and another to the year 1966 which seek to impose restrictions and also ask for complete watch around the Air Force Station. He had enclosed a copy of the letter of 1956.

Now, in this connection it is important to remember that the relevance of this was brought out in this letter that the land in question is within 3500 yards of the perimeter o the run-way at Gurgaon. It is within 3500 yards of the perimeter of the Explosives Depot at Gurgaon and it is within the flying funnel area of the runaway at Gurgaon. Therefore, this letter of the Commanding Officer had drawn attention to the fact that this acquisition will be in contradiction of the restrictions imposed on the utilisation of the land by agencies other than Air Force around the Explosives Depot, restrictions for which were indicated in the Indian Works of Defence Act, 1903. In fact, the Commanding Officer had considered the risk to the security of the Defence instalations there so great and imminent and the violation of the laws so patent that he had asked for the immediate cancellation of this notification of the Haryana Government for the acquisition of the land there. Let the House bear in mind that he had asked for the cancellation of that notification and this letter was sent to the Chief Secretary of the Haryana Government too. About the violation of the law the letter of the Commanding Officer would mean to refer to two notifications, one of 1962 and another of 1969, which had been issued under Sec. 3 of the 1963 Act. Therefore, it is clearly established beyond any shadow of doubt that in denying that there had been any objection from the appropriate and the competent defence authority...

SHRI K. P. UNNIKRISHNAN: Which is this letter?

SHRI SHYAMNANDAN MISHRA: It is the letter dated 11th March, 1971.

SHRI K. P. UNNIKRISHNAN: Will you please read it?

SHRI SHYAMNANDAN MISHRA: I need not take the time of the House. But if you permit me time. I will read it out.

......(*Interruptions*)

SHRI VIKRAM MAHAJAN (Kangra): In this letter, two notifications are not referred to.

SHRI B. P. MAURYA (Hapur): If you are so sure of the letter, the entire contents of the letter may come on the record.

SHRI SHYAMNANDAN MISHRA: I shall do that.

SHRI K. P. UNNIKRISHNAN: We want him to read that letter so that we could have a proper consideration.

SHRI SHYAMNANDAN MISHRA: As it is the demand of the House, I will read it. That will require time.

SHRI C. M. STEPHEN (Muvattupugha): You may allow him time.

SHRI VIKRAM MAHAJAN: The hon. Member says that it refers to the 1962

and 1969 notifications. This we want to see.

SHRI B. P. MAURYA : The notification of 1969 is not within the knowledge of the author of this letter.

MR. SPEAKER : He sent that letter to me wherein he has said that he has already given a copy of it. I hope he has no objection to lay it on the Table of the House.

SHRI C. M. STEPHEN : He has raised this discussion on the basis of a document. We want that document.

MR. SPEAKER : Are you prepared to lay it on the Table of the House ?

SHRI SHYAMNANDAN MISHRA : I will read out the letter if you so desire... (*Interruptions*) I will lay it on the Table of the House after having read it.

SHRI VIKRAM MAHAJAN : The point that the hon. Member made was that it refers to two notifications of 1962 and 1969. We are challenging that this letter does not say so. That is why we want him to read that letter.

SHRI SHYAMNANDAN MISHRA : I shall place it on the Table of the House.

MR. SPEAKER : He will place it on the Table of the House.

SHRI K. P. UNNIKRISHNAN : The whole picture changes with that.

SHRI PILOO MODY (Godhra) : The Ministers have given briefs to rather immature people, if you would permit me to say so.

SHRI SHYAMNANDAN MISHRA : That is going to land them in trouble, because I am fully equipped on this.

The letter reads thus :

"SECRET

Telephone : 391730/21

54 ASP/4005/Wks.

No. 54A.S.P. Air Force,
c/o 56 A.P.O.

Headquarters Maintenance Command
I.A.F. (Attention : SAASO)

11th March 1971.

ACQUISITION OF LAND—AMMUNITION DEPOT, GURGAON

Reference is made to Air Headquarter letter No. Air HQ/S.37528/19W(Coord) dated 17th April, 1966 addressed amongst others, to H.Q. Maintenance Command.

2. It has come to the notice of this station that the Haryana State has acquired certain lands around this depot *vide* their Notification No. LAC/71/515 dated 24th February, 1971.

3. An examination of the area involved has revealed that a major portion of the land so acquired falls within the restriction imposed by the Government of India, Ministry of Defence letter No. Air HQ/2085/114/2AF/7|106|I|D(Air) stores dated 13 August 1956; in that

(a) It is within 3500 yards of perimeter of the runway at Gurgaon;

(b) It is within 3500 yards of the perimeter of the Explosive Depot at Gurgaon;

(c) It is within the flying funnel area of the runway at Gurgaon and within 1500 yards from the nearest end of the runway.

4. Whereas the purpose for which this land is being acquired is not specifically stated in the Notification, it is understood that the land may be under acquisition for construction of a factory. It is desired to submit that should this land be acquired for use by agencies other than those of the Government, it will constitute a risk to the security of the Explosive Depot as will as the Air field.

5. This acquisition will also be in contradiction of the restrictions imposed on the utilisation of the land by the agencies other than the Air Force around the Explosives Depot, restrictions for which are indicated in the Indian works of Defence Act, 1903.

6. Your Headquarters are requested to take up the matter with Air Headquarters and the State of Haryana to have this Notification cancelled.

Sd/- Commanding Officer
Mohinder Singh
Sqd/Ldr.

Copy to : Air Headquarters, New Delhi (D. Works) Chief Secretary, Haryana State. With copies of Ministry of Defence letter mentioned in para 3 of this letter."

13.33 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

श्री बी० पी० मौर्य : मेरा व्यवस्था का प्रश्न है। मिश्र जी को तथ्यों का ज्ञान नहीं है, वह अपने भाषणों में उस पत्र का हवाला देते हुए 1962 और 1966 के नोटिफिकेशन का उल्लेख कर रहे थे, जब कि इस पत्र में 1956 के नोटिफिकेशन का हवाला दिया गया है। इस पत्र के लिखने वाले को तो ज्ञान ही नहीं है कि 1962 और 1969 के नोटिफिकेशन्ज क्या हैं ?

श्री अटल बिहारी वाजपेयी (ग्वालियर) : इस में व्यवस्था का क्या प्रश्न है ? ये अव्यवस्था पैदा करना चाहते हैं।

SHRI VIKRAM MAHAJAN : On a point of order. The hon. member was saying that he had got a copy of the letter in which the Commanding Officer had specifically stated that there are two notifications issued....

SHRI SHYAMNANDAN MISHRA : That I have said under the Act....

SHRI VIKRAM MAHAJAN : ...which are referred to in that letter.

MR. DEPUTY-SPEAKER : What is the point of order ?

SHRI VIKRAM MAHAJAN : The point of order is that what he has stated is not borne out by the letter. Kindly ask him to have it repeated. Then you will find that he has not correctly stated the facts.

MR. DEPUTY-SPEAKER : Order, order.

SHRI VIKRAM MAHAJAN : He is misleading the House.

MR. DEPUTY-SPEAKER : Everything is before the House. It is for the House to decide. There is no point of order.

SHRI SHYAMNANDAN MISHRA : What I had said is exactly this, that the violation of law in the letter of the Commanding Officer would mean the violation of the provisions of the two notifications issued under the Act of 1903. It is not an ignoramus who is speaking about it. The 1903 Act would be operative only when the notifications, under sec. 3 of the 1903 Act, are issued. They become operative only then. Therefore, when he was referring to the 1903 Act, he was drawing attention to the restrictions which became operative after the issue of the two notifications. That is what I have submitted.

I would like the House to see now how untruth or falsehood proliferates according to its own logic or dynamism, how one deception after another, one fraud after another, has been perpetrated on this House so cynically and blatantly. They seem to believe in the Oscar Wilde's thesis. Nothing succeeds like excess. The normal thesis is "nothing succeeds like success."

So we now come to the second stage or phase of misrepresentations made by Shri Shukla. Only Mr. Shukla is in the field at the moment earlier, the two Ministers, Mr. Subramaniam, and Mr. Shukla, were in the field. On March 1, 1973, Shri Shukla made a statement in reply to the allegations made by me against him for misleading the House. In this statement, he has gone further to misrepresent and misinterpret facts and misinform the House. As Mr. Shukla knows that the ammunition depot was the most crucial and determining factor in the consideration of the charge of misrepresentation against him and his colleagues, he thought of playing a trick upon the minds of hon. members and he, therefore, introduced the concept not of the "ammunition depot" but of the "army ammunition depot". This is nothing short of a sementic deception. In the declaration of 1962 which seeks to ensure the security of the defence installations at Gurgaon, there is mention of the 'ammunition depot'—let this be remembered quite clearly—and not "army ammunition depot." The notification is unqualified and with reference to the ammunition depot, the addition or interpolation of the word 'army' is something short of being honest. This was introduced only to befuddle and confuse the minds, on the assumption that they would not notice the distinction between the "army ammunition depot" and the "ammunition depot."

[Shri Shyamnandan Mishra]

I assert, with all the emphasis at my command, that there had been and there is even now as of today an ammunition depot. Has anybody the courage to say from the other side that is not? I pause for a reply. There is an ammunition depot. In other words, the ammunition depot as a fact exists at the site to which the declaration of 1969 relates, and it can be verified by a physical check. Let the Chair appoint a committee to proceed immediately to the spot and out.

श्री शशि भूषण (दक्षिण दिल्ली) : मेरा प्वाइन्ट आफ आर्डर है। मिश्र जी चैलेन्ज दे रहे हैं, हम स्वीकार करते हैं, उनकी बात से हम इनकार नहीं करते हैं कि वहाँ एम्युनिशन डिपो था लेकिन महारानी पटियाला की जमीन भी एक्वायर की गई है इस इंडस्ट्रियल क्षेत्र में इसलिए यह सब कर रहे हैं—यह भी इस बात को स्वीकार करें। जब उनके चैलेन्ज को हम स्वीकार करते हैं तो यह भी स्वीकार करें कि महारानी पटियाला की ज़मीन की चिन्ता इन्हें अधिक है। (व्यवधान)

MR. DEPUTY-SPEAKER: Order please. If the Members want to intervene and go on record, I think that is quite in order, but do not abuse this rule on point of order, when there is no point of order.

SHRI SHASHI BHUSHAN: He is challenging.

MR. DEPUTY-SPEAKER: There is no point of order.

SHRI SHYAMNANDAN MISHRA: But the other side of the House has presented a better one to whom we can look to; why should they go to that Maharani who is no more in the House?

Sir, I was suggesting that a physical verification and check can be conducted by a committee of the House. Let the Chair appoint a committee to see whether the ammunition depot exists or not. And if the Government's hands are clean, I would expect that the other side of the House would also join me in making a request to the Chair that a committee should be appointed.

AN HON. MEMBER: It is irrelevant.

SHRI SHYAMNANDAN MISHRA: Since my hon. friend Shri Shashi Bhushan has said that there is no doubt that the ammunition depot exists, I do not have to proceed with the matter any further. But I can give further proof. (*Interruptions*)

In fact, Shri Shukla has himself admitted in his statement on the 1st March that there is an air force depot and he seems to suggest that it is an entirely different unit not relatable to the notification of 1962. My submission is that if the ammunition depot of the air force was an entirely different unit, it was so only in the administrative sense of the term. Administratively being different does not make it any different from an ammunition depot. Ammunition depot is a generic term which relates to the ammunition depots of all the three wings of the defence forces. Therefore, the 1962 declaration, mind it, referred only to the ammunition depot. Further my submission is that earlier there was a joint sharing of that area by the army and the air force ammunition depots. The works of defence include, therefore, all these ammunition depots.

Now, I come to the interesting part of the drama where the Minister of Law is seen going to any length to please his master. We are sorry that an eminent jurist like him should bring himself to adjusting his legal conscience to narrow and petty considerations.

What, in effect, the defence Ministry suproted by the wonderful law Ministry tries to convey is that the area near Gurgaon has full freedom, that anybody could do anything he likes; it is a free zone and one can do anything; one can even blow up defence installations there. That is the impression which this wonderful Law Ministry seems to convey to us. If that is their view, I must say that this Government must quit because it has become a danger to the country.... (*Interruptions*)

According to Mr. Shukla and Mr. Gokhale the Declaration of 1962 became inoperative because of four reasons: firstly, the Army ammunition depot had been shifted from there; secondly the area which was given to the Air Force depot was not exactly the same as was given to the ammunition

depot; thirdly, both Shri Gokhale and Shri Shukla have vaguely referred to the derequisitioning of certain areas, thus hinting that the restrictions there got automatically vacated and fourthly, there was a new declaration in 1969. And here is the legal wisdom of the Law Minister who says that since there was a notification in 1969 which was invalid, the earlier notification got repealed by implication. That is what the hon. Law Minister tried to convey to us.

I come to the first point, whether the shifting of the Army part of the ammunition depot completely abolishes the ammunition depot there. My submission is that it does not. The fact that the area was jointly shared by the Army and the Air Force depot has not been controverted and will not be controverted by anybody. That being so the ammunition depot as such remained even after the disbandment of the Army part of it, and, therefore, the declaration of 1969 was also thought necessary. As the notification of 1962 was meant to ensure the safety of the ammunition depot which comprises both the Army and the Air Force depot the *raison-d-etre* of the notification of 1962 remains in tact.

Again by saying that the area which was given to the Air Force depot was not exactly the same, the hon. Law Minister has conceded that at least some part of it was identical or common. The words which he has used are: "The area was not exactly the same". That being so the legal basis of this argument falls. May I also refer here to a speech by an hon. Member belonging to his party in the Other House where he has conceded—I mean the speech of Mr. D. D. Puri—that we were making all this noise about only fifty acres of land which has continued to fall within the restricted zone. I can produce his speech made in the other House; he says that he had come to the conclusion after some enquiry into this matter...

MR. DEPUTY-SPEAKER: It has been a convention not to refer to the proceedings of the other House.

SHRI SHYAMNANDAN MISHRA: It is a public document now.

MR. DEPUTY-SPEAKER: If you do so, members of the other House will refer to our proceedings.

SHRI PILOO MODY: Anybody can do that since it is in the Hansard.

SHRI SHYAMNANDAN MISHRA: So far as derequisitioning certain part of the land is concerned, Mr. Shukla and Mr. Gokhale have not indicated under what provision of the law had this been brought about. The Act of 1903 does not refer to any derequisitioning. In Section 38 it only refers to the withdrawal of restrictions. Anyway, my position in this matter is that requisitioning or derequisitioning has absolutely no relevance to the imposition of any restriction under the Act of 1903.

The House will realise that the land may remain under the possession of any citizen and yet that land might be subject to restrictions under the Act for certain purposes. So, the requisitioning or de-requisitioning has absolutely no relevance to the imposition of the restrictions under the Act of 1903 and, if they are trying to blur this issue, it is not because of any pure intention to educate us in this matter.

What is significant to note here is that admittedly a portion of the area continues to be under requisition. This fact also makes a non-sense of the covert suggestion that anyone can do anything in this area.

The Law Minister, Mr. Deputy Speaker, has tried to mislead the House by suggesting that the notification of 1962 has ceased to be operative by a clear and necessary implification, as I said earlier, because of the issue of the notification of 1969. In support of this thesis, he has made a strange and untenable legal contention that although the subsequent notification of 1969 was operative or inoperative, it was valid or invalid, the notification of 1962 is repealed, by implication. But, it must be borne in mind that both Mr. Shukla and Mr. Gokhale had opined that the declaration of 1969 was invalid and it was not operative. If it is so, it is an astounding proposition to make that a valid notification can be repealed even by an invalid notification. The invalid notification has no existence.

SHRI K. P. UNNIKRISHNAN: We are so sorry for it.

SHRI SHYAMNANDAN MISHRA: Why? Both of them have submitted that the 1969 notification is an invalid notification. If that is so, Mr. Deputy Speaker, Sir.....

श्री मधु लिमये (शांका) : इतने लोग क्यों बोल रहे हैं ? मारुती की दुम इतनी लम्बी है यह मुझे पता नहीं था।

SHRI SHYAMNANDAN MISHRA: Unfortunately, an invalid notification has no existence in law, that is to say, it is non-est. Something which does not exist cannot, by any process of imagination, affect something which is lawful and which exists. The question of repeal by necessary implication is a well-known proposition in law and has been laid down by the Supreme Court in the case of the Northern India Caterers *vs.* State of Punjab (reported in A.I.R. 1969 Supreme Court—1581) where it has been held that:

> "if the co-existence of two sets of provisions is destructive of the object with which the later Act was passed, the Court would treat the earlier provision as impliedly repealed".

That means that the two sets of provisions must co-exist. If the notification of 1969 was invalid, as is the case of the Law Minister, it cannot exist in law and if it cannot exist in law there cannot be any question of co-existing of the 1969 Notification with the 1962 Notification.

Therefore, the plea of implied repeal as put forward by the Law Minister is wholly untenable and was calculated to create deliberately a wrong impression as to the legal position.

In fact, the Law Minister himself has conceded that the 1969 Notification was valid and operative at the time it was issued. He, however, seemed to think that certain developments had taken place and therefore also it had been rendered infructuous. Now, it is submitted that once the valid notification is issued, accompanied by a Sketch Map and the demarcation of the boundary, the restrictions under the Act can be removed only by a process of law or by a subsequent notification repealing or cancelling the earlier notification. Those restrictions cannot go off the record only because some imagined developments have taken place, as the Law Minister wanted to say. In this case, my submission is, there was no subsequent notification repealing the notification of 1962 nor was there any process of law under the Act of 1903 put in motion to repeal this Act. The assumption that there was a new situation by reason of the Air Force installation taking over the premises or by the so-called shifting of the Army part of the Depot is a wholly unjustified assumption not permissible in the facts of the case.

I come to another misrepresentation committed by them. Mr. Gokhale and Mr. Shukla have also invented the theory of deficiency in respect of the notification of 1969 in order to rationalise the dereliction of duty on the part of the Government. The whole edifice of this case built on the theory of deficiency in the notification of 1969 falls to the ground in the light of a letter written by the hon. Defence Minister, Shri Jagjivan Ram, to Shri Mahavir Tyagi. The letter is dated the 25th April, 1973. The letter says that the defects in the notification of 1969 were discovered only in December, 1972. My submission, therefore, is necesarily till such discovery, the authorities concerned, especially the defence authorities must have proceeded on the assumption that the notification had been validly made and there were operative restrictions in terms of the same notification. The Commanding Officer had written a letter on the 11th March, 1971. At that time, it could not be checked because the Defence Minister himself says they came to discover the deficiencies and defects in the notification of 1969 only in December, 1972. Therefore, that edifice completely falls to the ground. If the notification was necessarily treated to be valid till December, 1972, how could the same be ignored and who was there to ignore it and by what authority? The objections raised by the Commanding Officer in his letter of 11th March, 1971 could be ignored or over-ridden only by an arbitrary authority who was prepared to compromise the defence interests of the country. It could not have been done by any authority responsible to public opinion or to this House.

Then there is the interesting psychological phenomenon as revealed by the gratuitous remark of Mr. Shukla regarding the Maruti Ltd. You will remember that this remark was gratuitiously made by the Minister of Defence Production on his own. I had not referred to the Maruti Ltd. This reveals an interesting psychological phenomenon on his part. I quote from his statement.

> "It is relevant to note that all this happened much before Messrs Maruti Ltd. was even conceived of."

In support of my charge, I should like to place on the Table a document which I submitted to the Speaker during the course of one of my communications. This statement conclusively proves that Maruti Ltd. was conceived in 1968. The application No. is 854 of 1968. The address is "Sanjay Gandhi, New Delhi". The name of the location is "Gurgaon, Haryana State". As I had earlier submitted to you, I had made no reference to it. And yet, the minister made a reference to it *suo motu*.

14.00 hrs.

THE MINISTER OF INDUSTRIAL DEVELOPMENT AND SCIENCE AND TECHNOLOGY (SHRI C. SUBRAMANIAM): Sir, on a point of correction. In the proposed location of factory, I am afraid, he read only the latter portion, leaving out the earlier portion. In the original application the proposed location of factory is...

SHRI SHYAMNANDAN MISHRA: He can mention all that in his reply. I am not yielding.... (*Interruptions*)

SHRI C. SUBRAMANIAM: He has concealed a fact which I would like to point out. The proposed location of factory: Faridabad, Tehsil Ballabhgarh, District Gurgaon, State Haryana. The change of site was asked for in October 1970 and it was sanctioned on 7-11-70. Therefore, this should be kept in mind. So, when the hon. Member simply read instead of "District Gurgaon" only "Gurgaon, State Haryana" he was trying to mislead the House.

MR. DEPUTY-SPEAKER: Is the Minister reading from any Government Paper?

SHRI C. SUBRAMANIAM: Yes, Sir.

MR. DEPUTY-SPEAKER: Then he should lay it on the Table.

SHRI C. SUBRAMANIAM: I will do that.

SHRI SHYAMNANDAN MISHRA: May I say that the statement that I made was from the note of the Licensing Committee and there it is mentioned "Gurgaon, Haryana State"? So, the Minister has again tried to mislead the House.

The position is that Mr. Shukla's statement was unqualified. He did not mention about location and so on. He simply stated that Maruti Limited was not even conceived of around the 11th January, 1969. The reference by Mr. Shukla to the Maruti Limited shows his guilt consciousness and gives the clue to the design for which the tissues and cobwebs of untruths have been so assiduously woven. This indeed is the clue to the design.

Shri Shukla also misrepresented the position when he said that neither the State Government, nor the Collector of Gurgaon, knew anything about the Notification of 1969. There is patent absurdity in this statement of Shri Shukla. He said:

> "Neither the State Government nor the Collector of Gurgaon was sent a copy of this declaration or the statutory sketch map."

I would refer here to the fact—and I have the documents with me—that objections were registered by simple and illiterate villagers against the acquisition of land in the area in question and they had referred to the relevant notification before the concerned authorities.

Yet, the Haryana Government did not have any knowledge about this! When the peasants made a reference to it before the concerned authorities, the Haryana Government should have gone before those authorities to say that they have no knowledge about it. But they did not. Even these simple villagers quoted both the notifications of 1962 and 1969—one by implication. But Mr. Shukla wants the House to believe that the Deputy Commissioner of Gurgaon and the Government of Haryana were ignorant of the existence of the 1969 notification.

Moreover it must be emphasized that the notification had been published in the Central Gazette and that should be sufficient. A Gazette notification is a public notice and it does not require to be sent individually to every person or to every agency.

SHRI PILOO MODY: If a citizen is ignorant of the law, he is prosecuted.

SHRI SHYAMNANDAN MISHRA: It is nowhere mentioned in the Act that a public notification like a Gazette Notification will be sent individually to every person. In fact, it is the constitutional duty of the State Government to implement the laws of the Central Government. But what looks funny in this case is that neither the Haryana Government, nor the Deputy Commissioner, Gurgaon, nor the general public made any

[Shri Shyamnandan Mishra].

complaint, that they were not aware of the notification or the notification was defective. It is the Central Government which is saying so now.

My final complaint against Mr. Shukla is that he has misled the House in respect of the true content and the scope of the Defence Ministry's circular letter of 1956 which sought to have a measure of control over the construction of buildings and other structures in the vicinity of air force installations, both occupied and unoccupied. Mr. Shukla said :

> "The Defence Ministry's letter also provided for mutual consultation between the Central Government and a State Government whenever necessary to settle such matters. Accordingly, the matter has been under examination in consultation with the Government of Haryana with reference to the facts on the ground."

My contention is that the circular letter of 1956 referred to consultations only when a State Government offended the directions of the Central Government. It did not refer to consultations taking place if the offender was a private party. I would like to quote paragraph 2 of the letter which has specifically referred to an instance of a State Government commencing works on a tall structure. But probably, you do not want to me to read out the entire extract from the letter of 1956.

AN HON. MEMBER : He has taken too much time.

MR. DEPUTY-SPEAKER : I am very much conscious that he has taken more time that he should. But on a debate like this, I would not like any impression to get round the country that anything is being Suppressed. I would like the whole thing to come up.

I think, we should take that into consideration. If an impression goes round that somebody is being suppressed, that certain things are not allowed to come up, it will not make for a healthy debate.

SHRI N. K. P. SALVE (Betul) : This philosophy will apply to both the sides. We can also have that privilege.

MR. DEPUTY-SPEAKER : It will apply impartially. But we have also to make this distinction that he is initiating the debate and the rules do allow a little more time to him than others. As far as the ruling party is concerned, there are a large number of names. We will try to see that nobody is cut off. Even so, there are certain obvious limitations which we have to bear in mind.

SHRI SHYAMNANDAN MISHRA : Sir, I am ending this chapter of my allegations against these three Ministers.

I would like to say that the Government has not covered itself with glory by offering all kinds of puerile and futile arguments in extenuation of the offence they have committed. If these three Ministers had frankly admitted that they in their excessive zeal to serve their master have committed a lapse, probably the House would have been a little more indulgent. Their attempts at misrepresentation of the entire position have been so persistent and premeditated that the guilt has been compounded and what the House is faced with is a conspiracy to deceive it. If you piece the statements of these three Ministers, you will clearly see the *mala fides* of the Government. You cannot resist the conclusion that there is an unworthy design behind it.

In the final tally or reckoning, therefore, the position is : first, the laws" rules and regulations governing defence installations have been violated in order to protect private interests at the cost of the paramount interest of the country in the sphere of defence and security; secondly, the notification of 1962 has been falsely pronounced to be dead although it is alive, establishing thereby that even murder of law could be committed in order to benefit a private individual...

SHRI PILOO MODY : What did you do with the body ?

SHRI SHYAMNANDAN MISHRA : Now it is clear that the notification was neither withdrawn nor cancelled and yet, its operation had been prevented by the Government to help a private individual, highly placed.

Thirdly, the notification of 1969 was issued in a valid way—the notification states that it was accompanied by a sketch map—and yet, to suit an ulterior design it had been proclaimed as invalid.

The Government have also propounded a strange theory that Gazette notification is not a public notice.

Fourthly, assuming for the sake of argument—and on this the House must ponder a little seriously and we must not be in the mood in which some of the hon. members persuade themselves to be—that these two notifications were inoperative or invalid, the question arises why a fresh notification was not issued soon after in order to protect our national interest, in order to protect our defence interest. The Defence Minister says that he came to know of the deficiency in the Notification in the month of December 1972. Now we are deep into the year 1973, and upto this time no fresh notification has been issued.

Also the question arises, if these notifications were inoperative or invalid, what happened to the letter of 1956, what happened to the circular letter of 1966, which also sought to impose restrictions. Why were they not implemented ? The danger remains very much in that area because private works remain within the prohibited perimeter. It is also obvious that the Air Headquarters letter of 1966, which reiterated certain instructions issued by the Air Headquarters in July regarding the need for a strict watch around the airfields has also been deliberately rendered infructuous by the Government.

It is most amazing that the letter of the Commanding Officer dated the 11th March, 1971 had also been rendered infructuous by the Government. Does the House not require a word in explanation why the letter of the Commanding Officer was not acted upon ?

Now I refer to another letter by the Commanding Officer of 1965 in which he had asked a simple and ordinary ex-constable not to proceed with the construction of a well in that area; in 1965, the Commanding Officer, had told that constable that his well would be demolised; if he proceeded with the construction of the well, it would be at his cost. That letter is with me.

Now I am told that the Commanding Officer who had written the letter in 1971 is being penalised for doing an efficient prompt and honest job ! And it is also being suggested—you cannot prevent the tongue of calumny from wagging—that Mr. O. P. Mehra has been brought in only to slur over the irregularities... (*Interruptions*)

SHRI C. M. STEPHEN: How is it relevant ?

SHRI VIKRAM MAHAJAN: We want these words to be expunged... (*Interruptions*)

MR. DEPUTY-SPEAKER: Before I come to your point of order, there are certain well-established rules. He has made certain remarks and there have been protests against it that these remarks are baseless and I think the Government will also have a chance to repudiate them. We cannot just expunge them .... (*Interruptions*)

SHRI K. P. UNNIKRISHNAN: The security of the country is involved. Are you permitting him to continue like this ?

SHRI VIKRAM MAHAJAN: Kindly see Rule 380 which says:

> "If the Speaker is of opinion that words have been used in debate which are defamatory or indecent or unparliamentary or undignified, ..."

he may expunge them. .... (*Interruptions*)

MR. DEPUTY-SPEAKER: Order, please.

SHRI H. N. MUKERJEE (Calcutta—North—East): Cannot they put up some less ignorant people ?

MR. DEPUTY-SPEAKER: I have heard your point of order. You kindly tell me... (*Interruptions*) I know. I have to satisfy them also as anyone else. He has made certain statements. You kindly tell me by what stretch of imagination it is defamatory ? By what stretch of imagination it is undignified ? It is open to the House, to the Government and also to others to say that it is entirely baseless.

SHRI VIKRAM MAHAJAN: What more defamatory can it be than to say that a senior officer of IAF has been brought for this purpose ? Is it not defamatory ?

SHRI R. S. PANDEY (Rajnandgaon): And the motivation of the hon. Member has by bringing in the name of a particular officer has to be looked into.

MR. DEPUTY-SPEAKER: If you put the Chair in this position—I am on my legs —that I have got to go into the motivation of Members who speak, then it will be impossible to run this House. I am here only to regulate the proceedings, I am here

[MR. DEPUTY SPEAKER].

only to guide the House and I am not here to find out the motivation .... (*Interruptions*)

You are only giving Mr. Mishra more chance to take more time. He should have concluded by now.

श्री मधु लिमये : मेरा व्यवस्था का प्रश्न है। मैं बड़े गौर से यह बहस सुन रहा हूं। अभी तक श्री मिश्र ने एक भी ऐसी बात नहीं कही है, जिस के ऊपर हल्ला करने की जरूरत हो। आज सबेरे अध्यक्ष महोदय ने मुझ से कहा कि "गुंडई" का इस्तेमाल न कीजिए। लेकिन दस दस लोग एक-साथ खड़े हो जाते हैं, यह क्या है? मैं इस पर आप का निर्णय चाहता हूं कि यह है क्या। क्या मारुति की पूछ इतनी लम्बी हो गई है?

SHRI N. K. P. SALVE : I am rising on a point of order. The question raises an extremely delicate and important issue. If we are going to refer to our Defence Services in the disparaging terms in which Mr. Mishraji has referred to, then, Sir, it is going to be extremely hot for him. I am under Rule 353 which in terms state:

> "No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the Member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply..."

There is a proviso:

> "Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House..."

I submit that Mishraji's remarks are derogatory to the dignity of the House. This House has gratefully recognised the services of our defence forces for what they have achieved for our country. If the hon. Member is going to make this type of disparaging remarks without observing the rules, I submit, in all humility, that you should prohibit him in terms of Rule 353 so that we show our due respect to our services.

I seek you prohibition order under the rule.

SHRI C. M. STEPHEN : I am rising on a point of order.

MR. DEPUTY-SPEAKER : Is it different ?

SHRI C. M. STEPHEN : Yes, it is different.

MR. DEPUTY-SPEAKER : Then, let me dispose of the other one.

The whole debate now centres round certain violations of certain rules relating to defence installations, and, therefore, we cannot avoid making reference to these. That is the first point. The second point is that here he has only made a certain statement that a particular officer has been inducted for a particular purpose. We have to make a very fine distinction. Now, here is a statement made and it is for the Government to refute it. He has not said that this officer has done this or done that and so on and so forth. If he goes to that limit of making allegations against that particular officer, then it comes under this rule, but he is only making the statement that the Government has inducted this officer for a particular purpose. So, it is for Government really to refute it.

I know that this is a very sensitive question and it has been dragging throughout the whole session. I would like that the air be cleared once and for all in the whole country in the best interests of everybody. I would like the air to be cleared once and for all in the best interests of the Government, of the nation and of the country.

SHRI VIKRAM MAHAJAN : These baseless charges pollute the air even more.

MR. DEPUTY-SPEAKER : The hon. Member is quite right even in saying that Shri Shyamnandan Mishra has done this with a notivation; it is open to him to say that, and it will all go on record. But let us make this fine distinction. If he had gone beyond saying that this particular officer had done this and that, then it comes under this rule. But when he has only said that this officer has been inducted for this particular purpose, I think that it is for Government to refute it and the matter should rest there.

THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI VIDYA CHARAN SHUKLA) : This allegation that

has been made by Shri Shyamnandan Mishra that Government is penalising this commanding officer is absolutely false and baseless and untrue....

SHRI ATAL BIHARI VAJPAYEE: On what is he rising? Is he rising on a point of order?....

SHRI VIDYA CHARAN SHUKLA: I am only denying the allegation.

MR. DEPUTY-SPEAKER: Very often points are raised which are not found to be points of order later and the Chair has ruled them out. So, let me first hear the hon. Minister.

SHRI VIDYA CHARAN SHUKLA: I am only denying an allegation which has been made.

SHRI SHYAMNANDAN MISHRA: He can deny it when he replies later.

SHRI ATAL BIHARI VAJPAYEE: He can reply later and deny this allegation.

MR. DEPUTY-SPEAKER: Do I not have even the right to hear his point of order?

SHRI S. A. SHAMIM (Srinagar): He did not even say that he was on a point of order.

MR. DEPUTY-SPEAKER: Let me hear him first.

SHRI S. A. SHAMIM: He has not said that he was on a point of order.

MR. DEPUTY-SPEAKER: I heard him say 'I rise on a point of order'. I heard him say so. Now, I want to hear him. That is all.

SHRI A. P. SHARMA (Buxar): On a point of order....

MR. DEPUTY-SPEAKER: Why should he not allow the hon. Minister to say what he wants?

SHRI VIDYA CHARAN SHUKLA: I have already denied the allegation that has been made by the hon. Member.

SHRI ATAL BIHARI VAJPAYEE: Denial is no point of order.

SHRI VIDYA CHARAN SHUKLA: I have not risen on a point of order. I am only explaining....

SHRI SHYAMNANDAN MISHRA: Then what he has said must be expunged.

MR. DEPUTY-SPEAKER: I have already said at the beginning that many points of order are raised which are later on found to be not points of order at all and they are ruled out. Now, the hon. Minister has denied that he rose on a point of order. So, there is no point of order. The hon. Minister will have the chance to reply later.

SHRI C. M. STEPHEN: I had sought your permission to raise a point of order already.

SHRI JYOTIRMOY BOSU (Diamond Harbour): All this time taken on points of order should not be counted towards Shri Shyamnandan Mishra's speech.

MR. DEPUTY-SPEAKER: The point of order time would not be added to this. This would be treated as extra.

SHRI C. M. STEPHEN: Under the rule concerning relevancy, we have got to make a distinction. What exactly is the matter before the House? The Motion before the House deplores the conduct of so and so for misleading the House in their statements. The statements are here. Whether they are factual or not is the only matter before the House. That has been discussed by the hon. member. Now after having stated his case on that, he goes on to give certain other stories. That is certainly not within the ambit of this Motion. He goes on to say that these things are happening, these things are happening. We are to discuss the Motion (*Interruptions*) There is a particular Motion before the House. The only question before us is whether the statements made by the Ministers here were intended or tantamount to misleading the House. That particular question can be dealt with. Now after dealing with it, to proceed to say some other things which have absolutely nothing to do with it is out of order.

MR. DEPUTY-SPEAKER: What is the 'things'?

SHRI C. M. STEPHEN: He said because this particular officer wrote this particular latter, victimisation action is being taken. My humble submission is that this observation is irrelevant to this particular matter. It is not necessary for the purpose of establishing the case he seeks to establish, to refer to something which is happening

[Shri C. M. Stephen]

subsequent to that, correct or not. It is something which is happening subsequent to that. To state that will not lend colour to the question whether they were misleading the House or not. Therefore, the allegation Shri Mishra is now seeking to make is irrelevant to the Motion before the House and this may not be allowed. (*Interruptions*) I am under the rule with respect to relevancy.

SHRI S. A. SHAMIM : I am going to enlighten the House...

MR. DEPUTY-SPEAKER : Order, order. I cannot hear everybody. I wish Shri Stephen had read the whole Motion before the House—'certain misleading statements with regard to the violation of the provisions of and orders made under the Indian Works of Defence Act'. That misleading statement is with regard to this. So how can you mention about that without reference to this ? All this comes within that, violation of the provisions and so on and so forth (*Interruptions*).

SHRI A. P. SHARMA : On a point of order, under rule 352(v) :

"reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms".

Now, here he can make a reference. according to me (*Interruptions*).

MR. DEPUTY-SPEAKER : Let me hear him. What am I here for ? To hear every member. Let him make his point.

SHRI A. P. SHARMA : My point of order is that whereas Shri Mishra can refer to or question the intention of the Government, he cannot mention the name of a particular officer who is not here to defend himself. There has been a ruling in this House that no reference to a particular officer should be made mentioning his name.

MR. DEPUTY-SPEAKER : Order please (*Interruptions*) Why don't you allow me to proceed ?—Who is that member? Kindly restrain him. I only say to Shri Sharma that he has entirely misread the rule. If you say that a particular officer of the Government is a person in high authority, then you are really wrong. Here by this we mean certain people. You may mention the President or the Speaker or the Deputy-Speaker (*Interruptions*).

SHRI C. M. STEPHEN : That is interesting.

MR. DEPUTY-SPEAKER : The Constitution is very clear that you can criticise these people only in the form of a motion. Under the Constitution, it is only with relation to people of such authority. You have misread it altogether.

DR. HENRY AUSTIN (Ernakulam) : Mr. Deputy-Speaker, I would like to point out that the statement made by the hon. Member is incriminatory; he is incriminating a military officer. Under rule 353, it is clearly said that no allegation of a defamatory or incriminatory nature shall be made. What he said is really incriminatory, and as such it should not form part of the record.

MR. DEPUTY-SPEAKER : I have given my ruling on that.

DR. HENRY AUSTIN : That was with reference to "defamatory". That is not relevant here. What is more relevant here is "incriminatory". It is a very serious matter.

MR. DEPUTY-SPEAKER : I have given my ruling. If he had said that this officer has done this and that, then the rule will be attracted. He has only stated that this officer has been inducted by the Government for a particular purpose. I have given the ruling.

SHRI S. A. SHAMIM : Sir, my point of order is this. According to the Criminal Procedure Code, the conduct of an accused is not to be proved before committing the offence. After committing an offence the proof of his conduct becomes relevant. Therefore, in this case, it has to be proved. I do not know whether my point of order is very relevant or not.

MR. DEPUTY-SPEAKER : Order please It is not relevant. I have already given my ruling.

SHRI PILOO MODY : Point of order. Sir. Rule 285 says that Maruti cannot be saved by points of order !

MR. DEPUTY-SPEAKER : Allow him to conclude. Now, please conclude.

SHRI SHYAMNANDAN MISHRA : I am concluding.

Mr. Deputy-Speaker, Sir, some persons have called this affair as the Watergate of India. May I say that the person who

has characterised it as the Watergate of India has been less than fair to Watergate. This is much more serious, much more appalling.

What is the way out of this given situation? In this, the State has been used not as a "State" but as an "estate", where we do not find that our defence installations are safe, our defence interests are safe.

What is the way out of this? May I submit in all humility to the Government, and particularly to the Prime Minister who is not in the House—now probably they will have ot come with an amendment to the Constitution that the Prime Minister of India need not be a Member of Parliament, the Leader of the House may not be there, though in such circumstances (very difficult situations), she could help us out however, this is not the occasion to make a complaint about it—that in the case of Watergate...

MR. DEPUTY-SPEAKER: Watergate has added a new word to the dictionary. You are enlarging the scope.

SHRI SHYAMNANDAN MISHRA: No, Sir. There, President Nixon has promised a full probe into the matter and he has said to the nation, "I can assure you that we shall get to the bottom of the whole deplorable incident."

My submission to the Prime Minister would be that a Commission of Inquiry should be appointed to go into this matter. That would be in the interest of maintaining and preserving the fair name and position of the Prime Minister. Secondly, my suggestion would be that the Maruti Ltd., and other private constructions which have been raised in the vicinity of the defence installations at Gurgaon should be removed from that area. And they will have to be removed, I say. I make a prophetic announcement that this will have to be removed because the Prime Minister cannot always remain the Prime Minister of India. She will have to be an ex-Prime Minister some time, and in Parliament we will see to it that the Maruti Ltd., and the other private constructions—not out of any prejudice agains or obsession with the Prime Minister but because we want that our defence installations should be safe—are removed from that area. And they will be removed from that area, I say. It would, therefore, be graceful on her part to concede our demand that it is immediately removed from there.

SHRI PILOO MODY: In response to Mr. Mishra, I say that I will definitely remove it.

MR. DEPUTY-SPEAKER: Motion moved:

"That this House deplores the conduct of Shri C. Subramaniam, Minister of Industrial Development, Shri V. C. Shukla, Minister of State for Defence Production and Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs for misleading the House in their statements made in the House on the 22nd December, 1972, 1st March, 1973 and 7th March, 1973 with regard to the violation of the provisions of and orders made under the Indian Works of Defence Act, 1903 in spite of objections taken by the appropriate Defence authorities."

In this connection I have received notices of two amendments from Mr. Madhu Limaye and Mr. Chavda. They were given only today; one of them was given only a little while ago. Under the rules amendments have to be given one day in advance. Shri Madhu Limaye has given the reason: he said he was not here and that he came only this morning. That is no reason. The rules of also say that if any objection is taken by the House, that objection will prevail. I should like to have the sense of the House. If they have any objection, I am helpless in this matter.

SOME HON. MEMBERS: You must go by the rules.

MR. DEPUTY-SPEAKER: I think the House objects to it.

श्री मधु लिमये : आप पहले एक मिनट सुनिये। सुने बिना कैसे फैसला करेंगे। मेरा प्लाइन्ट आफ़ आर्डर है—नियमों में आप को यह अधिकार है और कई बार इस सदन में इस तरह के संशोधन लिए गए हैं। अगर आप चाहें तो मैं कई मिसालें आप को दे सकता हूं। आप इस को पढ़कर सुनाइए, ये लोग किस पर विरोध कर रहे हैं?

MR. DEPUTY-SPEAKER : I know Mr. Madhu Limaye tries to make out that discretion is with the Chair. But it is for the Chair to make use of that discretion. I can exercise my discretion by going by the sense of the House.

SHRI K. S. CHAVDA Patan) According to rule 345 it is not necessary. You read the last sentence: "....unless the Speaker allows the amendment to be moved without such notice." Even without giving notice, you are entitled to exercise your discretion and allow an amendment to be moved. It is not necessary to take the sense of the House.

MR. DEPUTY-SPEAKER : You have read only one rule. Other rules are there. Rule 79 is there; it is the same with any kind of amendment and it says: "If notice of an amendment....has not been given one day before the day..."

SHRI PILOO MODY : That does not apply to this. It applies to Bills.

MR. DEPUTY-SPEAKER : It applies. You cannot make a distinction; an amendment is an amendment; both the rules are there. Any Member may object to the moing of the amendment, and such objection shall prevail. If you want my ruling just on my own discretion, I think it is not conductive to a smooth debate in this House.

श्री मधु लिमये : मेरा प्वाइन्ट आफ़ आर्डर आप ने सुना ही नहीं है। पहले मेरा प्वाइन्ट आफ़ आर्डर सुनिए, बाद में निर्णय दीजिए। उपाध्यक्ष महोदय, पहले आप ने कहा था कि मैं सदन की राय लूंगा, अब आप स्वयं फैसला देने जा रहे हैं। मेरा संशोधन क्या है, जिस पर इन की राय ली जा रही है ?

MR. DEPUTY-SPEAKER : If you want me to go by the merits of the draft amendment which you have sent to me, if you are going to argue that...

SHRI PILOO MODY : How else can the sense of the House to taken ?

MR. DEPUTY-SPEAKER : The sense of the House is only to the limited extent, whether an amendment can be accepted now, when it is time-barred

श्री मधु लिमये : उपाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न पूरा होने दीजिए। विधेयकों के बारे में और प्रस्तावों के बारे में नियम अलग हैं।

नियम 345 इस तरह से हैं :

"Notice of an amendment to a motion shall be given one day before the day on which the motion is to be considered, unless the Speaker allows the amendment to be moved without such notice."

इसमें सदन की राय का कहाँ सवाल था ? मैं केवल यह संशोधन मूव करना चाहता था... (व्यवधान) यह कोई प्रक्रिया है ? मैं प्वाइन्ट आफ आर्डर पर खड़ा हूं।

SHRI JYOTIRMOY BASU : Sir, I rise on a point of order. There should be some consistency in the behaviour of the Chair. In the past, many a time, you have accepted such amendments. I would request you to accept this amendment also.

श्री मधु लिमये : पहले आपने हाउस का सेन्स लिया तो किस नियम के अन्तर्गत लिया ? मेरा संशोधन यह था**

MR. DEPUTY-SPEAKER : Order, order. This will not go on record.

श्री मधु लिमये : ये बीच में नहीं बोल सकते हैं, मेरा प्वाइन्ट आफ आर्डर है। आप बोल सकते हैं।

MR. DEPUTY-SPEAKER : Now I shall give my ruling.

श्री मधु लिमये : मैं ने पूरा नहीं किया है।

SHRI C. M. STEPHEN : He has a right to speak.

SHRI SAMAR GUHA : Sir, I want to know from you as to who is controlling the House—yourself or other Members. It is pertaining to the Chair. Whether Shri Limaye is speaking according to the rule or not it is you who are to decide.

MR. DEPUTY-SPEAKER : Now, we are confined to this point whether an amendment can be moved now at this late

**Not recorded.

stage. I have heard the point of order. I shall hear Shri Limaye again. I am not giving my ruling. I am only trying to clarify the position that we are confined only to this question whether an amendment can be moved now at this late stage. We are confined to that only. If Shri Limaye oversteps that bound and begins to speak on his amendment and read out his amendment, then he is going beyond the scope and that will not go on record. If you want to make a submission that your amendment can be accepted even now without referring to what the amendment is, you are at liberty. I shall hear you again.

श्री मधु लिमये : आपने मेरा प्वाइन्ट आफ आर्डर सुना नहीं है। आपने दो दफा निर्णय बदले हैं। आप मेरा प्वाइन्ट आफ आर्डर पूरा सुनिये।

MR. DEPUTY-SPEAKER : Kindly listen to me for a little while. Now, in the first place, notice for this discussion has been given to the Members quite a few days ago. It was known. The Minister for Parliamentary Affairs while announcing the week's business had mentioned this and therefore, it was known.

SHRI PILOO MODY : But, the Minister made an incorrect statement.

MR. DEPUTY-SPEAKER : So, it was made known. If the Members had taken the trouble and the pains, they should have sent an amendment in time. (*Interruptions*) You have pointed out the rule. I shall come to you.

श्री मधु लिमये : बात बिल्कुल सरल और सीधी है। केवल एक दफा नहीं, पचासों दफा अध्यक्ष महोदय ने इजाजत दी है। इसमें इन लोगों का कोई सवाल नहीं है, आपको ही निर्णय करना है। पचासों दफा पचासों सदस्यों को अनुमति मिलती है। चूंकि मैं केवल प्रधान मन्त्री का नाम ला रहा हूं इसलिए मुझे अनुमति नहीं मिलेगी ? मुझे पूरा विश्वास है कि आप मुझे निश्चित रूप से अनुमति देंगे क्योंकि आप निष्पक्ष व्यक्ति हैं। आप सदन और कुर्सी की गरिमा की रक्षा करेंगे इसलिए मेरे मन में कोई सन्देह ही नहीं है।

MR. DEPUTY-SPEAKER : If they had taken the trouble, they could have sent and amendment yesterday. It is very correct that it is the discretion of the Chair to allow an amendment even at a late stage. The discretion is a discretion whether it is in the interest of a smooth, meaningful debate to exercise the discretion or not. When there is so much of objection in the House when the debate is to much surcharged with emotion, when a little loose control from the Chair may lead to a complete disruption of the debate, I think it would be the height of indiscretion for the Chair to allow an amendment at this stage. So, I disallowed. Mr. Salve.

श्री मधु लिमये : उपाध्यक्ष महोदय, मैं इनको बीच में टोकना नहीं चाहता इसलिए पहले ही मेरा व्यवस्था का प्रश्न है।

जहां तक श्री श्यामनन्दन मिश्र जी के भाषण से मैं समझ पाया हूं, इनके द्वारा सदन की मेज पर एक गुप्त कागज रखा गया और उसकी आंशिक सत्यता के बारे में सरकार के द्वारा कुछ आक्षेप उठाए गए हैं। ऐसी हालत में आपका जो नियम हमारे यहां कागजात सदन की मेज पर रखने के बारे में है और इसके बारे में एक पहले भी कुर्सी का निर्णय है, इसको देखते हुए मैं चाहता हूं कि उसकी जो मूल प्रति है वह सदन की जानकारी के लिए तीन चार रोज के लिए यहां रखी जाये, वह आपकी निगरानी में, कस्टडी में रहेगी। पहले भी ऐसा हुआ है। ओरीजनल कापी रखी जाये, प्रतिलिपि नही। एक दफा ऐसा निर्णय हुआ है। तो जो मूल प्रति है वह तीन चार दिन तक रहे और उसके बाद वह वापिस लौटा दी जाये और फिर कापी रखी जाये। चार दिन तक हर सदस्य उसको देखेगा और उसके बाद वह लौटा दी जाये और फिर जो प्रमाणित कापी है वह रखी जाये। इसके बाद श्यामनन्दन जी का जो मुद्दा है उसकी पुष्टि :..

[श्री मधु लिमये]

(व्यवधान) मैं आपकी हमेशा मदद करता हूं, आप भी हमारी मदद कीजिए। ऐसा मत कहिए कि मानहानि भंग का मोशन उठता ही नहीं है।

इसलिए आप इस पर स्पष्ट निर्णय दीजिए। अगर आप चाहते हैं तो मैं मिसाले निकाल कर दूंगा क्योंकि यह तो इन्कार नहीं करते हैं कि ऐसा पत्र नहीं है बल्कि कहते हैं दो तीन आंशिक बातों में फर्क है। तो क्या इन्होंने बाद में कोई गड़बड़ घोटाला किया है या नहीं किया है, हमको जानकारी होनी चाहिए। इसलिए आप सदन की मेज़ पर बड़े बन्दोबस्त में उसको रखें, तीन दिन तक सदस्यों को उसे देखने दिया जाये इस पर आप सोच समझ कर निर्णय दीजिए।

MR. DEPUTY-SPEAKER : I shall look into it. Mr. Salve.

SHRI N. K. P. SALVE (Betul) : Sir, I have listened with undivided attention to the speech of Shri Shyamnandan Mishra. So far as the merits of the speech are concerned, I shall come to them shortly. But so far as the duration of the speech is concerned, in my short association with Lok Sabha of 7 years this is the longest speech that I have heard. He is an esteemed friend of mine. If a case is sought to be made out one could make it a little more brief, a little more relevant and a little less taxing on those for whose sake the case is being argued. Be that as it may, he said that whenever there was a debate about Maruti Ltd., we were very touchy.

It is a matter of opinion whether we are touchy or whether the opposition and Shri Mishra are unrestrained, irresponsible. It is very difficult for us to ever agree on that issue. But I may wish to convey one thing to you very clearly. So far as we are concerned, far from there being any motive on our part of protecting private interests at public cost, as alleged by Shyamanandan Babu, we consider that the debates of this nature are taken purely to compound political interests with public deception and for no other purpose. Private political interests with public deception are sought to be compounded and that is why these debates are raised *ad-nauseam*. That is what we think about this matter and we are not touchy about it. We are not shirking a debate either. You can raise the issue hundred times, if you like.

The opposition seems to be very much agitated over the affairs of Maruti Limited. If they fell this is a very important national issue facing the country now, they are entitled to their opinion. We shall meet them point but point when they raise it. But if they consider this such an important issue is it too much to ask them that they appraise themselves of the proper facts, appraise themselves of the correct legal position, bring some objectivity in their approach, bring a dispassionate and unprejudiced thinking in this matter so that this debate is not every time reduced to absolutely personal acrimony, personal pettiness and personal bitterness? It never comes to anything more than that, so far as allegations against us are concerned.

So many investives and adjectives were used by Shri Mishra. Were they really necessary and warranted? They could very well have been avoided.

I must make one thing clear. A reference was made to the Chief of Air Staff. I do not know whether Mishraji knows that the Chief of Air Staff is a person of unimpeachable integrity and unimpeachable honesty a person who has received decorations for his distinguished and meritorious service to the country, one of the finest officers Indian Air Force ever had. I wish that he had not made those disparaging remarks about this officer for making a point which he has never been able to make. I wish to submit that he should have appraised himself properly of the facts in this matter before bringing one of the top-most defence official into disrepute for political polemics. This is a fight between you and us at the political level. Why should you bring in the defence personnel? It is good that Shri Shukla has denied the allegation that he has victimised the official who has supplied this letter. I do not know who gave him this letter. We would certainly have taken up a fight with Shri Shukla if he had victimised any official. But Shri Shukla has denied that allegation totally and completely.

Before I come to the facts, I would like to refer to one more thing. It is being said in the papers in box news that Maruti affairs in India are to Mrs. Gandhi what Watergate have been to Mr. Nixon. One should not indulge in such cheap publicity. Either they do not know what the Watergate scandal is or they do not know what the facts of this matter are. Anyone who knows the details of Watergate will never equate it with the Maruti affairs.

I submit our case is very simple. I will not confuse the issue. Kindly appreciate the position and look at the problem dispassionately and without prejudice. If you think that the Ministers have been misleading the House to serve a private cause at public expense, then you may be justified in all that you have said. Otherwise, you were completely misleading the House on the basis of your ill-informed information.

Our case is simple, that the 1962 declaration became a dead letter when this particular organisation the ASP-54 was installed some time in 1966. The declaration which was made in 1969, in fact tne declaration of 30th December 1968, which was gazetted on 11-1-1969, was a legal nullity and could not be taken to exist on that day and the 1962 declaration was a dead letter. By the time the events came about, the 1969 declaration could not be acted upon; in fact the Central Indian Works of Defence Act, 1903 itself was not applicable to this particular project at the material time. Therefore, the question of misleading, violation of the I.W.D. Act or any order under it will not arise. This is in short my case. I will explain to you. If you try to listen to what I have to say, I have not the slightest doubt that you will understand what I have to say.

The Motion is clear. It says:

"That this House deplores the conduct of Shri C. Subramaniam, Minister of Industrial Development, Shri V C. Shukla, Minister of State for Defence Production and Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs for misleading the House ... with regard to the violation of the provisions of and orders made under the Indian Works of Defence Act, 1903...."

I suppose, by order you are referring to the declaration contemplated under Section 3(1) of the relevant Act. There is no question of violation of the Act when the Act itself did not apply at the material time. I am sure he will see that the question of misleading the House will just not arise.

Before I come to the facts and the law, may I draw your kind attention to what exactly the Minister said. I am quoting from the debate in this House on the 22nd December, 1972. This is when Shri Subramaniam was replying to the debate on Maruti. I quote:

"Shri C. Subramaniam: Therefore, if one Chief Minister wanted to ensure that his car project with a potential of 4000 jobs in this and other subsidiary occupations also comes to his State and if a Chief Minister shows interest in attracting this, and that is something which should not be objected to, no doubht, even for this, they should not go out of the way and there should not be any irregularity. If there are any irregularities, if there are any allegations made, I want to give you this assurance that thouih it has been done for Maruti Ltd., if any irregularities, are alleged and proper documentation given for the purpose we are prepared to go into it even now and see and find out whether any irregularities have been committed even by Maruti Ltd.

Shri Shyamnandan Mishra: What about the defence installations? How are they going to take away from there now?

Shri Vidya Charan Shukla: Nothing is to be taken away. There is no objection from them.

Shri C. Subramaniam: Shri Mishra made a point and somebody also had made a point..."

Let me make it clear that 1962 declaration was a dead letter and the 1969 declaration was a nullity. Therefore, the whole Act was not operative. So far as this particular project, 54 ASP, was concerned, there can be no question of violation of the Act or of any valid order being issued under an Act which is not operative for the purpose of a project. How can therefore a question of violation arise? This is my first point. You first understand this and then I will come to another point.

[Shri N. K. Salve]

There was an ammumition depot which was in existence until 1966. I wish to make it utterly clear that the ammunition depot and the Airforce Storage Park are not only two different concepts but they are two different projects administratively and physically different than each other. I will show you, with reference to the provisions of the Act, that a declaration has got to be made with reference to a work and, unless a declaration is made with reference to a work, the declaration is a nullity in law. Section 7 clearly lays down that limit of restricted zone has to be fixed at 2000 yards from outer crest of Parapet of the work. The ammunition depot did not exist beyond 1966 and the ammunition depot came to an end. The Airforce Storage Park came into existence sometime in 1966. They were two different projects, two different complexes, not merely administratively but physically as well. Within the postulates of Section 3(1) of the relevant Act, they were two different works. If they were two different works, then one has to see whether or not there was a valid declaration as contemplated under Section 3(1) to govern and to create a restricted zone in relation to the said works.

15.00 hrs.

[SHRI S. A. KADER *in the Chair*]

SHRI SHYAMNANDAN MISHRA: May I seek one elucidation? Do you mean to suggest that the air force installation there was completely unprotected so far as the 1962 declaration was concerned? That only related to the army part of it? Do you mean to suggest that?

SHRI N. K. P. SALVE: The restricted zone was created with reference to a work, a particular project, a particular complex. Now that particular complex and the ASP are entirely different complexes, entirely different projects. Whatever was included in the first may have or may not have been included in the second. For purposes of (2), if it constitutes an entirely separate work, the law requires a declaration to be made and a declaration to be published in the Gazette and a public notice given in addition. (*Interruptions*). I submit that the formulation of the law that I am making here is very clear. A perusal of that section will convince you. I am sure that on this point there can be no debate. It is quite clear that in the declaration of 1962 the restricted zone was prescribed at 1000 yds. from the outer crest of the parapet......

SHRI SHYAMNANDAN MISHRA: Parapet of the ammunition depot.

SHRI N. K. P. SALVE: Whatever it was. The requirement of the section is that the restricted zone has to be clearly demarcated, and shown in the map, chart, etc., of which public notice has to be given, and in that it has to have a particular reference from the outer crest of the parapet. It was in compliance with the statutory requirement that such restricted zone was created by a limit of 1,000 yds. from the outer crest of the parapet concerned. Provisions of section 3(1) speak as to what is the authority, what is the power, for creating a restricted zone. With your permission, Sir, I would refer to section 3 of the Indian Works of Defence Act, 1903. If my hon. friends read section 3(1), they will have no doubt left in their minds. It is capable of only one interpretation. Section 3(1) reads:

> "Whenever it appears to the Central Government that it is necessary to impose restrictions upon the use and enjoyment of land in the vicinity of any work of Defence or any site intended to be used or to be acquired for any such work, in order that such land may be kept free from buildings and other obstructions, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorised to certify its order."

Kindly juxtapose, correlate and examine critically whether or not this declaration has to be with reference to a particular work, a particular project.

Section 7 provides:

> "From and after the publication of the notice mentioned in section 3, sub-section (ii), such of the following restrictions as the Central Government may in its discretion declare therein shall attach with reference to such land, namely, within an outer boundary which, except so far as is otherwise provided in section 39, sub-section (iv), may extended to a distance of 2,000 yards. from the crest of the outer parapet of the work."

Does Mr. Mishra say that this 2,000 yards. limit is the same for ASP and ammunition depot If that is so, then his proposition falls purely by what is so clearly contemplated. And the limit referred to here is 2,000 yards. I do not know how that officer has referred to 33,500 yards unless this law has been amended because my copy is an old copy.

SHRI SHYAMNANDAN MISHRA: It is in that circular letter of 1956.

SHRI N. K. P. SALVE: I am coming to 1956.

He has referred to 3500 yards. As you know they cannot go beyond 2000 yards. The point that I am trying to make out is that unless this 2000 yards restriction goes which is the same for the purpose of new installation that was coming up, it cannot be said that in 1962 it is ever covered. Also it is nobody's case that the restriction goes and it is exactly the same limit as it was in the case of the ammunition depot. Therefore, when you have yourself conceded that the 1969 publication was a nullity....

SHRI SHYAMNANDAN MISHRA: I have not conceded I have said, 'Assuming for argument's sake....' In fact, I have said....

SHRI N. K. P. SALVE: Your argument is that once it is published in the gazette, that constitutes public notice.

SHRI SHYAMNANDAN MISHRA: Accompanied by a sketch map.

SHRI N. K. P. SALVE: Therefore, it constitutes a public notice. I shall show you the provisions of Section 3(2) which stipulates two pre-conditions. They are the *sine quanon,* they are the pre-conditions without complying which you can never have a valid declaration made. I will come to the two pre-conditions straightaway.

Therefore, if that be correct—assuming what Mr. Mishraji has said is correct—that under certain circumstances gazetting the notification may constitute a public notice, but gazetting and public notice are both contemplated. Then both have got to be complied with. Now, what constitutes 'public notice' is a matter of opinion.

Sub-section 2 in terms states that the said declaration....

MR. CHAIRMAN: You have already taken 15 minutes. Please conclude.

SHRI N. K. P. SALVE: I have read out section 3(1) which refers to a declaration being made with reference to a particular work where in the vicinity they do not want any obstruction, etc. to come about. Now, sub-section (2) speaks of conditions which must be fulfilled before such a valid declaration can be made and sub-section (2) says:

> "The said declaration shall be published in the official gazette and shall state the district or other territorial divisions in which the land is situate and the place where the sketch plan of the land shall be prepared on a scale not smaller than 6" to a mile and shall distinguish the boundaries referred to in Section 7...."

Section 7 is the 2000 yards restriction.

> "..may be inspected."

The second limb of the section is:

> "And the Collector shall cause public notice or substance of the said declaration to be given."

SHRI SHYAMNANDAN MISHRA: The word 'may' is not there.

SHRI N. K. P. SALVE: 'May' always means 'must'. But let us not get into that argument. It is in terms said that, 'The Collector shall cause public notice...'

SHRI JYOTIRMOY BOSU: It is very important.

SHRI N. K. P. SALVE: The first thing is that even on a mere reading of the section, however ignorant one may be of the law—but if he has sufficient commonsense—it should be clear to him that the requirements are two-fold. The first requirement is the gazetting of the declaration and the second requirement is a public notice. Whether this is a sufficient public notice or is not a sufficient public notice is not what he is disputing. He said that once you have done the gazetting, that is the end of the matter. I submit it is not at all the correct position of the law.

SHRI SHYAMNANDAN MISHRA: You are only quibbling for protecting a particular individual. Otherwise, that will have to be done. 'Shall' is there. How do you say that it was not done?

SHRI N. K. P. SALVE: Half of the legal propositions that he has formulated, I have never understood and what he is saying now is completely going over my head. I am talking with reference to two sections. I am talking with reference to the language of the law. Did he say or did he not say that if we go by the 1969 declaration we have repealed the earlier declaration? Where is the question of repeal? Does it not become a dead letter by the postulate of Section 3(1) itself? With reference to a particular section you are fixing a restriction zone and then the work itself is removed away ... (*Interruptions*). How is it possible?

SHRI SHYAMNANDAN MISHRA: It goes automatically? Where is that provision?

SHRI N. K. P. SALVE: It becomes a dead letter. That again is a concept in law. The declaration may remain physically. It is not erased.

It is not repealed in terms. But that has absolutely no meaning. It becomes utterly, I would only say, a dead letter. We are so much used to that term. For, it is neither here nor there in that what had been done no longer exists. So, the mere physical existence of that order does not mean one way or the other. Even if it is not repealed, even if it is not said that that letter is no longer operative, by virtue of the provisions of the very sections under which that particular declaration was made, inherently it would make that particular order utterly a dead letter, once the particular works with reference to which the declaration were made are no longer in existence. That is clear. If my hon. friend does not accept this position of law, it is a matter of opinion.

With reference to this, is there any doubt that the entire Indian Defence of Works Act itself did not apply so far as 54 ASP was concerned? That is the clear position of law. Anyone who is possessed of objectivity, anyone who has an open mind and anyone who just does not put blinkers on his eyes, will accept this proposition of law.

Thereafter, what is the matter? What did Shri Vidya Charan Shukla say? Shri Vidya Charan Shukla merely said that there was no objection. What objection could be there? Can there be a valid objection at all firstly? If there is not a valid objection at all, then what remains? It has been admitted and it has been conceded, and his entire argument has proceeded upon the assumption that a valid objection is tenable. If the Act itself is not applicable, how can an objection be raised? Will he draw it from the heavens? Wherefrom will he take the objection? The right to raise an objection is given in the law itself. If the law itself is not applicable, how will an objection be ever tenable?

The hon. Member is referring to a particular letter of the supposedly commanding officer. I am told that that man was not the commanding officer. The facts are being distorted so far as the authority of that man is concerned. I shall leave it to Shri Vidya Charan Shukla to deal with this aspect of the matter. It is a secret document. I have not looked into it. We are not in the habit of dealing in those matters. Whatever facts I may have gathered, I have not looked into that letter. But I am told that that supposed commanding officer was never commanding the matter. And what did my hon. friend read? He referred to a particular letter of 1956. And what was that letter? I understand that in 1956 the Central Government was contemplating to legislate some measures to take care of the entire matters which were covered by this particular Act, and a comprehensive law was supposed to be made: they had some ideas in their minds and in that connection they had written to the various Chief Ministers and they had said that in the meanwhile, while this law was proposed to be taken up at the Central level, whenever any difficulty arose which caused obstruction to the defence projects or other projects of vital importance, the local officers and the State Government should mutually resolve the dispute. This law which the Government was contemplating in 1956 had never come and has never seen the light of the day. Our case will fall by this or his case will fall by this whether that law came or not. If what I am saying is correct, I succeed; and my hon. friend must apologise.

So far as the letter is concerned, my proposition is clear. The 1956 letter merely refers to a particular law that was then being intended to be legislated here at the Central level, which legislation has never seen the light of the day. In that connection, the Central Government had written to the various State Chief Ministers that in the meanwhile, while this comprehensive legislation was being taken up so as to cover the entire gamut of this particular Bill plus somthing more....

SHRI JYOTIRMOY BOSU : A mountain out of a mole-hill.

SHRI N. K. P. SALVE : Am I making a mountain out of a mole-hill? Or are my hon. friends on the other side in the habit of making a Himalayas out of nothing? I am explaining my proposition. I am told that the whole village of Gurgaon I am not referring to the town of Gurgaon --would have been covered by this, by itself. This being the position, if this is the position of facts and this is the position of law, one can only laugh at the resolution which has been brought forward; one will only see how utterly ill-advised the whole matter has been, and I submit that the entire motion is thoroughly ill-conceived as a result of half-baked notions of law and ill-digested understanding of facts. If it is not so, it is a very unfortunate and obnoxious attempt at character assassination of the concerned Ministers in a bid to create a very cheap sensation and publicity. I submit there is no merit in the Motion whatsoever. This is only a cheap attempt at character assassination of the Ministers and, therefore, I submit the motion be rejected lock, stock and barrel.

MR. CHAIRMAN : When should the Minister be called?

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH) : At 5 O'clok. (*Interruptions*)

एक माननीय सदस्य : टाइम बढ़ा दिया जायें।

सभापति महोदय : मिनिस्टर आफ पालियामेंटरी एफ़ेयर्ज कह रहे हैं कि मिनिस्टर साहब को जवाब देने के लिए 5 बजे बुलाया जाये। इस का मतलब है कि डिसकशन के लिए पौने दो घन्टे का टाइम और है। मैं समझता हूं कि यह बहुत ही इम्पार्टेन्ट डिसकशन है और कई माननीय सदस्य इस में हिस्सा लेना चाहते हैं। हम ने 5-30 बजे हाफ़-आवर डिसकशन लेना है।

I would like to take the sense of the House. Shri K. Raghu Ramaiah: We began at 1 p.m. I believe Shri Shyamnandan Mishra has to reply also. The Minister has to reply. Shri Subramaniam may intervene for a short while. Considering all these things, I request that the Minister be called at 5 p.m. That still leaves nearly two hours.

MR. CHAIRMAN : Even then considering the length of the list I have got, some more time will be taken and can be given. Shall we call the Minister at 5.30 P.M.? We can keep a little margin.

SHRI K. RAGHU RAMAIAH : 5 O' clock.

MR. CHAIRMAN : Four hours have been fixed by the Speaker. The Minister will be called at 5.30 P.M. That will be extending it by half an hour.

SHRI JYOTIRMOY BOSU : What about postponing the half hour discussion till the next session? You can give a ruling on that. The Minister says it is all right.

MR. CHAIRMAN : I cannot give a ruling on that. At 5.30 P.M. the Minister will be called.

SHRI JYOTIRMOY BOSU : If this goes on till 6.30 P.M. we cannot have the half hour discussion after that.

MR. CHAIRMAN : The Minister will be called at 5.30 P.M. In between, I have got a list of members of the Opposition as well as of the other side.

श्री मधु लिमये : उस तरफ के सदस्यों को बोलने का क्या जरूरत है? उन की तरफ से मिनिस्टर बोलेंगे।

सभापति महोदय : मेरे सामने अलग अलग पार्टियों के लिए जो टाइम रखा गया है, वह 7, 8 या 9 मिनट है। उस में कुछ एडजस्टमेंट हो सकता है, लेकिन ज्यादा नहीं।

श्री रामावतार शास्त्री (पटना) : हर पार्टी को पूरा टाइम मिलना चाहिए।

सभापति महोदय : हर पार्टी के लिए टाइम लिखा हुआ है। किसी के लिए 7 मिनट है, किसी के लिए 8 या 9 मिनट है। मैं चाहता हूं कि उस में कुछ थोड़ा बहुत एडजस्टमेंट कर दिया जाये इस लिए माननीय सदस्य मेहरबानी कर के चेयर के साथ को-आपरेट करें और ब्रीफ, टु दि पायन्ट बात कहें।

SHRI JYOTIRMOY BOSU : At the very outset, I must assure the House that I bear no malice, no vindictiveness, against anybody, let alone this young man. At the same time, I cannot lose sight of the fact that as a people's representative, I am entrusted to look after the welfare of the people and the country. We are not entitled nor authorised to condone malpractices which have taken place in matters of importance. We must examine the defence interests, the country's security, the installation of radar and other equipment which are so vital for the defence of Greater Delhi. If that is upset, disturbed and overlooked to serve the interests primarily of one person because he happens to be the Prime Minister's son, it is wrong, and praticularly so when the people, living there for generations, are not even allowed to dig a well. I have got here a copy of the circular that was given to a man. He was digging a well; not digging something on the surface, not going vertically upwards but was going downwards, but even then, he was prevented by a letter saying that you cannot dig a well because the area is covered by a defence prohibitory order. Another man who was raising a boundary wall not higher than six feet was also prevented in a similar manner. Here we see a violation of the notification which is really violating the specific and mandatory provisions under the Indian Works of Defence Act completely by passing the notification No. 315 dated 15-12-1962 which was never cancelled. I repeat it was never cancelled. And still, it is valid. I can understand private individuals coming with a plea of lapses and making a presentation of their case but the Government is shamelessly coming forward before this House with a pretext of lapses and thereby taking shelter on that and thereby endangering the defence obligations. It is indeed very significant which we cannot ignore.

The propriety in giving the land is also another point, because it was a defence requirement. It is in a way under severe defence obligations: acquisition, and not listening to the objections raised in writing by the peasants pointing out and putting a finger in the eye of the Government and the authority there. It is obligatory for the Prime Minister and the Government to get a clean chit from this House, that is, from the country, for which a thorough probe is absolutely a must in this case. Otherwise, the big credibility gap will widen and make things worse for them.

Consider the car project. The national interest, the initial idea of a joint public sector, loss of export opportunities for the country, utilisation if rare resources in non-priority sectors, utilisation of defence production and built-in capacity which are lying idle and also the public sector—the whole thing has bene bungled.

As I have said, the 1962 order is still valid for the original area, but here, I have got what Mr. Jagjivan Ram has said in reply to my letter. I have it to the House to accept or reject it on its merits, because Mr. Mishra has set the whole thing very widely and cleverly. The letter says, among other things, that :

> "The Ministry of Defence wrote to the Government of Haryana which has in turn stated the position, as it obtains in its records and has put forward certain suggestions. These are under examination of the Ministry and a decision will be taken in consultation with the Government of Haryana. I can only say that the defence requirements will be fully kept in view."

The previous sentence starts by saying "Raksha Utpadan Mantri has already dealt with this letter and the notification" etc. This is about the Air Force Commanding Officer's letter and action taken thereon. That was the subject-matter of the letter.

I want to ask the hon. Defence Minister, Mr. Jagjivan Ram, or his junior colleague, Mr. Vidya Charan Shukla, as to what is the outcome, what is the final thing after he

has written the letter. We want the House to be informed about it. He says that "The Army Ammunition Depot was disbanded and shifted to a new place in March-April. 1966. The premises vacated by the Army Depot were later taken over by the Air Force. A part of the area was however demarcated for derequisitioning and was subsequently derequsitioned. The remaining area is still in the use of the Air Force for its present unit, viz. 54 Air Storage Park. It was in regard to this unit that the Notification if 11th January 1969 was issued."

I do not wish to say anything more. To my friends there, I say: take a pinch of salt in your hand and swallow it and read read that letter; it will be much better. Then he writes about another letter which I am not going to read now.

Shri Shyamnandan Mishra has already said that I wanted to discuss it in the Consultative Committee. What was the agenda? "Objections lodged by the Commanding Officer, Air Force Unit located near Maruti Premises in Gurgaon Distt. against the erection of factories, sheds, etc within 3500 yards of the perimeter of the runway at Gurgaon; (b) within 3500 yards of the perimeter of the explosive depot, Gurgaon," Defence includes the Army, Navy and the Air Force and I had hoped that they would not take shelter under that umbrella. I do not want to say more on that.

There are very learned Members here and they will remember what happened to the well-known Prime Minister of the United Kingdom, David Lloyd George. He bought shares for a mere £ 1,000 in Marconi company in the United States of America and the British Government had placed an order for the purchase of certain equipment from Marconi Ltd. and this matter was raised in the House of Commons and a probe was ordered. Although the outcome was not very encouraging, a probe was ordered. I fail to understand why my hon. friends on that side are so jittery about this debate if they have a clean conscience and if they have no skeletons in the cupboard; they should in fact come forward for a probe and get a clean chit which will really enhance their image before the people of the country. But I see them doing something quite the opposite.

I see that the Prime Minister had asked for a probe herself; here is a paper clipping from the Indian Express which says: the Prime Minister today offered to face a public enquiry on what has been described as the Maruti Affair... Let her have it; she should have it now unless she has some skeletons in the cupboard. I am charging this Government that they have misused their office to the fullest advantage of a particular individual. This is a clear case and if this does not deserve a probe, nothing will ever receive attention in this country. This is nothing but a compendium of violations.

Prof. H. N. Mukerjee spoke in the so-called socialist forum of the Congress Party and he had talked something about Maruti: it came out in the papers: it appears that never again was Prof. Mukerjee to be called into their meeting. But the Socialist Forum also had been disbanded and so we see Mr. Sharma as the Deputy Leader of the House belonging to the Nehru Forum. The House has to take a full view of the whole thing.

It is impossible to get straight information. I put a question on 14 December 1972.

MR. CHAIRMAN: Your time is up: please conclude in 3-4 minutes.

SHRI JYOTIRMOY BOSU: I represent the principal Opposition party here: if you could give someone one hour and 15 minutes, at least give me half an hour or else I sit down.

MR. CHAIRMAN: I do not want interrupt you. The time allotted to you is minutes; already ten minutes have passed and you can take three or four minutes more.

SHRI JYOTIRMOY BOSU: You know that is not the motion which stood in my name originally. I had made arrangement within the Opposition. And I am glad to say that there is a working arrangement. The House must take a full view of the whole thing, and the Government's attitude could be seen in this House here and even through the documents. Whenever we put a question about Maruti the Minister gets

[Shri Jyotirmoy Bosu]

a high fever. For example a question was asked about the allotment of steel to M/s. Maruti Ltd. The reply given is that the information is being collected and will be laid on the table of the House. The question was asked on 14th December, 1972 which was again repeated on the 8th March, 1973. The same reply was given namely, that details regarding the quantities of steel asked for by the firm and supplies from different sources are being collected and will be laid on the table of the House. I wanted to know the loans sanctioned by the nationalised banks to Maruti Limited. To this Shri Chavan takes the plea that bank matters cannot be divulged. But I have a reply from the Government that they cannot divulge it. But, they have given this information to a private individual and not here. They are only taking shelter under this plea because they have a lot to hide.

I want to ask this question of Shri C. Subramanian. Is it a fact that the young man has got out of Maruti and he has got only a contractual obligation as a consultant after receiving a handsome amount? I do not know. But I have heard about this. You will kindly deny or accept this. Then, Shri Salve talked a lot. I want to quote Shri Subramaniam's speech of 22nd December here Not only defence units have been hoodwinked but 1500 persons have been uprooted—they have been hoodwinked and Shri Subramaniam never bothered to send a reply to my letter. I made a detailed list of my questions. Shri Subramaniam said many things. But, I may tell him that he talked about the people going to the court of law for getting justice. Now, the people cannot get justice against rich individual in the country. How can a judge give judgment against the Government and the Prime Minister's son? Even the Supreme Court judges could not get a fair deal at the hands of Government.

About the price of land Shri Subramaniam said something. Six photostat copies are produced to show that the land was valued at Rs. 9000 for 60,000 acres of land. How can anybody take 6,000 acres of land for Rs. 9000/-? These poor peasants were deprived of their lands worth lakhs for this one individual. Giving 15 days' notice is mandatory under Section 9 of the Land Acquisition Act. After actual receipt of the notices, you have deceived these poor and innocent peasants.

SHRI C. SUBRAMANIAM: How is it valid?

SHRI JYOTIRMOY BOSU: I am coming to that. After receiving this it was referred to various departments for comments. I want to ask the Minister whether this claim at all was put up to the various departments of the Government or not. If so, when was that sent? I know that this was never sent to different departments. The notice is dated 24th June, 1973 about the land wherein the defence interests are involved.

MR. CHAIRMAN: Mr. Bosu, you will now come to the point.

SHRI JYOTIRMOY BOSU: I am talking about the defence land.

MR. CHAIRMAN: I would request you to please come to the subject proper.

SHRI JYOTIRMOY BOSU: Yes, Sir. Notices concerning land where defence interest was greatly involved were typed of written on 24th June 1971. After that, that was served in 4 villages on about 300 persons about 10 miles away from headquarters. Normally for a Government department it takes weeks. But it was made returnable on the 14th day i.e. on 10th July. But instead of beginning the hearing the award was finalised on the 15th day When were the departmental enquiries held? The peasants filed appeals for higher compensation. They pointed out the defence prohibitory orders that you cannot acquire the land and erect something. They filed appeals in the court of Mr. Jain, the District Judge. It is going to be almost two years. The factory is completed; the car has been displayed and agency deposits to the tune of Rs. 1½ crores have been taken. But for the claim cases not even the issues have been framed. I want to ask: Is it correct that Mr. Jain's son has been given a job as Assistant Legal Secretary in Maruti Ltd.? Is it a fact that Mr. Jain has been recommended for High Court Judgeship?

MR. CHAIRMAN: Please confine yourself to the resolution.

SHRI JYOTIRMOY BOSU: All I wanted to say is, these 1500 uprooted persons have given representations in writing pointing out the defence prohibitory orders and they have filed appeals for higher compensation before the District Judge who is recommended to be a High Court Judge as a reward. That is why I am saying all this. Otherwise, why should I? Mr. Subramaniam is repeating His Master's Voice and he takes the shape of the vessel in which he is contained. That is his political career for the last 15 years, we know.

In conclusion, I appeal to Mrs. Gandhi and her Government. If they have no skeleton in the cupboard, if they think that everything is clean with them—which we do not think; we think it is an absolute conglomeration of malpractices and corruption—they should agree to a parliamentary probe and obtain a clean chit, if they deserve it. Otherwise, they stand condemned and they should get out of this Government.

SHRI VIKRAM MAHAJAN (Kangra): Sir, never in the history of Parliament has a more frivolous motion been brought than the present one. This is one of the most frivolous motions which I have ever come across in Parliament.

SHRI ATAL BIHARI VAJPAYEE: He is casting an aspersion on the Speaker who has admitted the motion.

SHRI VIKRAM MAHAJAN: Some opposition parties who have failed in their policies and programmes are playing the politics of frustration. They are trying to project themselves in the public eye by playing politics of character assassination.

I say that the opposition parties have failed in their policies and programmes. Therefore, they have taken to politics of character assasination. They are unable to convince the people of India about the genuineness of their programmes. So, they have now come to cheap political gimmicks and this is an attempt in that direction.

After all Shri Jyotirmoy Basu was trying to make out a case on an entirely different matter, which is not before the House for discussion. The motion before the House is the statements by the three Ministers. He referred to things like steel and bank loans. May I ask him whether we can build a motor car with paper? A motor car will need steel. Then, can you run a single industrial plant without a bank loan? What is wrong if a particular entrepreneur asks for a bank loan? If Shri Jyotirmoy Basu has any knowledge of economics, he should know that every industry in this country is run with bank loans and there is nothing wrong in it. If the person happens to be the son of a person in authority, it will not make any difference to the position.

The main point is whether the notification was there or not. When Shri Shukla made the statement he was specific that there is no violation of any statute or any notification. That is the crux of the whole thing. As Shri Salve pointed out earlier, the notification which was issued became instructuous because the purpose for which it was issued was no longer there. Therefore the notification no longer remained. It was a specific notification for a particular purpose. The purpose in 1962 was the Army Ammunition Depot. In 1965-66 that depot was taken away. Therefore, the purpose for which the notification was issued ceased to exist and so the notification became a dead letter. When the 1962 notification died out, the question remains what is the value of the 1969 notification. As has been repeatedly pointed out by Shri Salve the 1969 notification was invalid because it did not comply with the statutory provisions. If a particular declaration does not comply with the statutory provisions it is invalid no matter whether it comes to the notice of the Government earlier or later. It is nullity from the beginning, what is called nullity *ab initio*, a still-born notification. Since the 1969 notification was void *ab initio*, it never existed, no matter when it came to the notice of the Government. Since neither the 1962 notification nor the 1969 notification was there, there was no violation of any rule of any notification or statute by the government.

A peculiar argument has been brought in on the basis of the 1971 letter of the Army Commander. That refers to a circular of 1956. The officer was not aware of this particular fact that this circular was based on an contemplated statute, that is, it was contemplated in 1956 that a new statute would be brought into existence by virtue of which restricton would be imposed on

[Shri Vikram Mahajan]

various building structures which private persons can built around the defence installations. That particular contemplated statute was never brought on the statute book. Therefore, the Commander in ignorance wrote that letter. The Opposition is trying to take advantage of the ignorance of the Commander.

Mr. Mishra earlier tried to say that this particular letter related to the notifications of 1962 and 1969. That is why we specifically raised the issue and asked him to read out that letter and show us, whether that letter referred to those notifications of not. When Mr. Mishra read out that letter, it was clear that, that letter never referred to those notifications. It only referred to 1956 circular. That circular is not a valid circular in the sense that it was merely a proposal which the Government was thinking and which was never fructified and which never came into existence. Therefore, the letter by itself means nothing. The letter was written by the Commander in ignorance of the law and the notification. Surely, on the basis of the ignorance of a Commander you cannot build a case against the Government or the Ministers and you cannot move a privilege motion against them. This is a frivilous motion. It is meaningless. It is a politically-motivated motion and it has to be rejected on that ground.

I want to point out one more fact. 1971 letter specifically states that an area of 3500 yards has to be left out before any private building can be built. Mr. Salve read out Section 7 itself wherein an area of 2000 yards is refered to. The statute clearly says that it is only 2000 yards. From where has this gentleman, this Commander got the idea of 3500 yards? That shows he was under some misapprehension and he wrote that letter under that misapprehension because neither the 1956 circular nor the statute itself which is 1903 statute states anywhere that you have to build a private structure beyond 3500 yards. Therefore, he was under two basic misapprehensions. That is how he wrote that letter.

Therefore, I submit the whole case of the Opposition is based on some misapprehension. I am sure, they have the complete knowledge that they have no case in this. But they are trying to use it for a political purpose with a political motivation. I humbly submit that no case has been made out against the Ministers. They are deliberately, consistently and persistently trying to drag in somehow or other the name of the Prime Minister. I think, from the highest standard of public conduct and public morality, there is no deviation from that standard. The whole object is a frivilous one.

Apart from that I think, this a cheap propaganda stunt which is being carried out. The people cannot be befooled by their cheap political gimmicks. The small minds have tried to malign us many times their cheap political gimmicks. The small thrown out lock, stock and barel.

श्री अटल बिहारी बाजपेयी (ग्वालियर): सभापति जी, सारे विवाद को मैं ने बड़े ध्यान से सुना है। मैं मिश्र जी को बधाई देना चाहता हूं कि उन्होंने अपने पक्ष को सप्रमाण और प्रभावशाली ढंग से प्रस्तुत करने में सफलता पायी है। उनके तथ्यों और तर्क के उत्तर में हमारे कांग्रेसी मित्रों द्वारा जो कुछ कहा जा रहा है वह कानूनी दांवपेच की बात है। हो सकता है कि जिन्हें अदालत में बोलने का मौका न मिलता हो वह अपनी कानूनी विरुद्वता का प्रदर्शन इसी सदन में करें।

प्रश्न संकीर्ण कानूनी दृष्टि से देखने का नहीं है। सभापति जी, क्या इस बात से इन्कार किया जा सकता है कि जब मारुति लिमिटेड के लिए वहां कारखाना बनाने की इजाजत दी गई तो वहां एक ऐम्युनिशन डिपो था। क्या इस बात से इन्कार किया जा सकता है कि उस ऐम्युनिशन डिपो के आसपास कोई इमारत न बने यह प्रतिबन्ध उस समय लागू था? क्या इस बात से इन्कार किया जा सकता है कि उस प्रतिबन्ध पर केवल इसलिए अमल नहीं किया गया और उसे दर गुजर कर दिया गया, दृष्टि से ओझल कर दिया गया कि वहां मारुति लिमिटेड का कारखाना बनने वाला था और उसको बनाने वाले कौन हैं यह बताने की आवश्यकता

नहीं है। इसीलिए वह प्रतिबन्ध जो प्रभावी होने चाहिए थे वह प्रभावी नहीं हुए। काफ़ी बहस की गयी है कि 1969 के नोटिफ़िकेशन में कुछ कमियां थीं। मैं पूछना चाहता हूं कि उन कमियों के लिए कौन जिम्मेवार है? सरकारी अधिकारी जिम्मेदार हैं? लेकिन सरकारी अधिकारियों की किसी टेकनीकल गलती के कारण क्या तथ्य को आंखों से ओझल किया जा सकता है कि जहां ऐम्युनिशन डिपो है वहां सुरक्षात्मक कारणों से कोई कारखाना नहीं बनना चाहिए। किसी अफ़सर की कोई टैकनीकल गलती निकाल कर आज सारे मामले पर लीपापोती करने की कोशिश हो रही है।

सभापति जी, वह नोटिफ़िकेशन ठीक था या नहीं था, केवल गजट में प्रकाशित होना काफ़ी था या नहीं था....

श्री नरेन्द्र कुमार साल्वे : मिनिस्टर्स ने मिसलीड किया कि नहीं यह सवाल है।

श्री अटल बिहारी वाजपेयी : मैं उसी पर आता हूं।

सभापति जी, मन्त्री महोदय ने यह कहा कि सुरक्षा की दृष्टि से कोई आपत्ति नहीं की गई। अब जब कमान्डर का पत्र पढ़ कर सुनाया गया तो कहा जा रहा है कि वह कमान्डर कुछ मिसऐप्रीहेंशन्स में था। सवाल यह है कि कमान्डर ने आपत्ति की या नहीं? और वह पत्र कहता है कि आपत्ति की गई। वह पत्र लिखा गया, पत्र के अस्तित्व से आप इन्कार नहीं कर सकते। वह पत्र ठीक था या नहीं था यह बात अलग है, उस कमान्डर के मन में आशंकायें सही थीं या गलत थीं, यह बात अलग है। लेकिन आप पत्र के अस्तित्व से इन्कार नहीं कर सकते। और यही बात उस दिन डिबेट में कही गयी थी कि सुरक्षा की दृष्टि से एतराज किया गया या नहीं? मन्त्री महोदय ने कहा कोई एतराज नहीं किया गया। क्या उन्हें मालूम था कि कमान्डर ने पत्र लिखा है? अगर लिखा है तो वह आपत्ति नहीं है?

Shri A. K. M. ISHAQUE (Basirhat): The letter must be an authorised letter.

श्री अटल बिहारी वाजपेयी : Authorised whom?

बड़ी विचित्र बात कही जा रही है कि जो कमान्डर-इन-चार्ज है वहां का वह पत्र लिखता है वह अथोराइज्ड लैटर नहीं है, वह अनधिकृत लैटर है। मन्त्री महोदय कह सकते थे कि उस लैटर के बारे में उनहें जानकारी नहीं थी, इस के लिए वह खेद प्रकट कर सकते थे।

MR. CHAIRMAN: Only if he yields. He is not yielding.

श्री अटल बिहारी वाजपेयी : सभापति जी, आप मेरे समय में से न काटें तो मैं बैठने के लिए तैयार हूं। मगर आप घन्टी बजा देंगे।

सभापति महोदय : अभी तक तो घन्टी बजायी नहीं।

श्री अटल बिहारी वाजपेयी : सभापति महोदय, मंत्री महोदय के लिये एक सम्मानजनक रास्ता यह था कि वह सदन के सामने आ कर कह सकते थे कि जब उन्होंने इनकार किया तब पता नहीं था उन्हें कि इस तरह का पत्र लिखा गया। मगर उन्होंने न केवल स्वयं सदन को गुमराह किया, उन्होंने ने श्री सुब्रह्मण्यम को भी गुमराह कर दिया। श्री सुब्रह्मण्यम ने कहा कि मैं जो कुछ कह रहा हूं वह डिफ़ेंस प्रोडक्शन के मन्त्री के आधार पर कह रहा हूं लेकिन मैं मन्त्रीमंडल का सदस्य हूं इसलिए मैं बड़ी जिम्मेदारी के साथ कह रहा हूं, अधिक जिम्मेदारी के साथ कह रहा हूं। अभी तक इस बात का खंडन नहीं किया गया है, और खंडन किया भी नहीं था जा सकता। मन्त्री महोदय उस पत्र के अस्तित्व से इन्कार नहीं कर सकते। इसीलिए मेरा निवेदन है कि कानूनी दांवपेंच निकाले जा रहे हैं कि वह नोटिफ़िकेशन वैलिड था या नहीं था। यह मामले अदालत में तय होंगे। पार्लियामेंट को औचित्य का प्रश्न देखना है।

[श्री अटल बिहारी वाजपेयी] क्या आप उस औचित्य से इन्कार कर सकते हैं कि जहां डिफेंस इन्स्टालेशन है और जिसके बारे में पहले नोटिफिकेशन जारी किया गया था आज भी वहां डिपो बना हुआ है। उस डिपो के आसपास कोई इमारत नहीं होनी चाहिए। इस नियम का पालन क्यों नहीं किया गया? किसी अफ़सर की छोटी सी गलती के कारण वह नियम अब प्रयोग में नहीं आयेंगे, उन नियमों की सार्थकता खत्म हो गयी। यह किसी के गले से नीचे न ीं उतरेगा। देश के गले के नीचे भी यह बात कभी नहीं उत्तर सकती।

सभापति जी, हां मैं चाहता हूं कि आप जरा इस मारुति के मामले पर एक रेफ़-रेन्डम कर लीजिए कि देश की जनता क्या कहती है। इस मारुति ने प्रधान मन्त्री की प्रतिमा को धूमिल कर दिया है। ऐसा कलंक लगा दिया है जो गंगा जल भी नहीं धो सकता। और आज प्रधान मन्त्री अपने डिफ़ेंस पर आ गयी हैं, जिस जनसभा में उन्हें जाना पड़ता है यह सफ़ाई देनी पड़ती है कि बेटे को मोटर बनाने का लाइसेंस दे कर उन्होंने कोई पक्षपात नहीं किया। मैं प्रधान मन्त्री को इस स्थिति में आते हुए नहीं देखना चाहता था। मगर आज वह आ गयी है, और कहती हैं कि मेरा बेटा परिश्रमी है तो बेटा क्यों न तरक्की करे। बेटे तो और भी करोड़ों माताओं के परिश्रमी हैं, मगर वह बेटे मोटर बनाने का कारखाना नहीं खोल सकते क्यों कि उन्हें किसी प्रधान मन्त्री की कोख से जन्म लेने का सौभाग्य प्राप्त नहीं है।

केवल प्रधान मन्त्री का पुत्र है इसलिए मोटर बनाने का कारखाना खोल सकता है। मेरा निवेदन है कि प्रश्न औचित्य का है। प्रश्न प्रशासन की प्रामाणिकता का है, आचारण का मानदंड रखने का है।

सभापति महोदय, मैं एक बात और कहना चाहता हूं। मैं जानना चाहता हूं कि क्या यह सच नहीं है कि मारुति में काम करने वाले कुछ लोगों को हिन्दुस्तान ऐरोनाटिक्स लिमिटेड में शिक्षण दिया गया?

16.00 hrs.

रक्षा मन्त्रालय (रक्षा उत्पादन) में राज्य मन्त्री (श्री विद्या चरण शुक्ल) : बिल्कुल गलत बात है।

श्री अटल बिहारी वाजपेयी : सभापति महोदय, अगर कोई पार्लियामेंट्री कमेटी बने तो मैं इसके सबूत में प्रमाण देने के लिए तैयार हूं।

रेल मन्त्री (श्री एल० एन० मिश्र) : कन्ट्रेडिक्शन इश्यू हुआ है।

श्री अटल बिहारी वाजपेयी : कन्ट्रेडिक्शन तो हर बात का होता है। कन्ट्रेडिक्शन तो आप ने इस बात का भी कर दिया। इसी-लिए हमारी मांग है कि एक पार्लियामेंट्री कमेटी बननी चाहिए। पार्लियामेंट्री कमेटी तथ्यों में जा सकती है। पार्लियामेंट्री कमेटी दूध का दूध और पानी का पानी कर सकती है।

श्री एम० रामगोपाल रेड्डी (निजामाबाद) : सदन में कोई मेम्बर कोई ऐली-गेशन किसी मिनिस्टर पर करे और मिनिस्टर उत्तर दे दे तो यह मामला उस के बाद खत्म हो सकता है।

श्री अटल बिहारी वाजपेयी : खत्म नहीं होता है।

सभापति जी, वाटरगेट की मारुति से तुलना की कोशिश की गई। कम से कम वाटरगेट के मामले में श्री निक्सन ने मान लिया है कि उसकी गलती हुई थी लेकिन मारुति के मामले में कोई अपनी गलती मानने के लिए तैयार नहीं है। इस देश में अपने पापों को स्वीकार करने की कम से कम हमारे कांग्रेसी मित्रों की परम्परा नहीं है। उस दिन श्री सुब्रमण्यम ने क्या कहा था यह मैं अपने कांग्रेसी मित्रों को सुनाना चाहता हूं :

"I do agree that if, because he is the Prime Minister's son, anything untoward has happened, if anything undesirable has happened, it should be looked into. Again, I want to give you this assurance that if anything is brought to our notice, it will be inquired into and whoever it might be, friend or foe if irregularities had been committed, either officially or unofficially proper action will be taken. That assurance I want to give to the hon. House.".

SOME HON. MEMBERS: How fair it is?

श्री अटल बिहारी वाजपेयी : केवल आश्वासन देना काफी नहीं है। उन पर अमल नहीं किया गया है। अगर आपको कोई आपत्ति नहीं है और अगर आप समझते हैं कि आपका दामन पाक और साफ है तो पार्लियमेन्ट्री कमेटी बनाने के लिए आपको आपत्ति क्यों है। मारुति के लिए लैटर आफ इन्टेन्ट जारी करने से ले कर मारुति की एजेंसियों को बेचने तक सारी कहानी धांधली की कहानी है, सत्ता के दुरुपयोग की कहानी है, भ्रष्टाचार की कहानी है, भाई भतीजावाद की कहानी है। कार बनी नही है एजंसियां बिक रही हैं, करोड़ों रुपया इकट्ठा किया जा चुका है। केवल प्रधान मन्त्री का नाम ले कर यह सब हुआ है।

श्री नरेन्द्र कुमार साल्वे: सभापति महोदय मैं एक व्यवस्था का प्रश्न उठाना चाहता हूं। वाजपेयी जी एक पार्टी के लीडर हैं। हम उन से आशा करते हैं . . .

श्री अटल बिहारी वाजपेयी : व्यवस्था बताइये।

श्री नरेन्द्र कुमार साल्वे : व्यवस्था का प्रश्न यह है कि 356 के तहत उनको मोशन पर कनफाइन करना चाहिए। औचित्य या भ्रष्टाचार का सवाल आता है या नहीं इसका कोई तालुक मोशन से नहीं है। 356 के तहत आप उनको कहें कि वे ऐसी बातें न कहें जो इरेलेवेंट हो और अगर उनको कुछ नहीं कहना है तो अपना भाषण समाप्त करें।

MR. CHAIRMAN: I think it has been the experience of the House, generally speaking that Shri Atal Bihari Vajpayee never goes out much; sometimes, he may go here and there, but generally, he does not go out much. This is a very touchy subject to both sides of the House and a little diversion may be tolerated.

श्री नरेन्द्र कुमार साल्वे : मैं आपकी व्यवस्था चाहता हूं कि मारुति के एफेयर्ज इस मोशन के लिए टोटली इरेलेवेंट हैं या नहीं हैं।

My request to you is that the Member who is speaking should adhere to certain rules.

MR. CHAIRMAN: The Hon. Member has not understood me. I said that it was touchy to those people who wanted to make something out of it. Therefore, a little diversion here and there should be tolerated.

SHRI A. K. M. ISHAQUE: We do not mind occasional diversions; but this is an exercise in irrelevance.

MR. CHAIRMAN: The motion before the House does bring in so many other factors also. Still I would request members to confine themselves within the purview of the Motion.

SHRI K. LAKKAPA: On a point of order under rule 356.

> "The Speaker, after having called the attention of the House to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech".

He is persistently repeating what has been said by other members and bringing the same thing again and again. Therefore all these observations of his should be expunged. The rule is very clear on this.

MR. CHAIRMAN: If there is any irrelevance or repetition, the Chair will take care of it.

श्री अटल बिहारी वाजपेयी : समझ में नहीं आता है कि मारुति का नाम आते ही हमारे कांग्रेसी मित्रों को मूर्छा क्यों आने लगती है ? अभी महाजन साहब कह

[श्री अटल बिहारी वाजपेयी]

थे कि यह सारा मसला विरोधी दलों ने राजनीतिक बनाया है तब चेयर ने महाजन साहब को ऐसा कहने से नहीं रोका, उन्होंने कहा कि चरित्र हत्या कर रहे हैं, तब किसी कांग्रेसी मित्र ने आपत्ति नहीं की। तुर्की बतुर्की जवाब देने के लिए मैं खड़ा हुआ हूं। मारुति के सम्बन्ध में जन मन में व्याप्त आशंकाओं का निराकरण अगर करना है तो इस का एक ही मार्ग है कि एक संसदीय समिति का गठन आप करें जो सारे तथ्यों में जा कर अपनी रिपोर्ट दे और अगर सरकार ऐसी समिति का गठन करने से इनकार करती है तो सरकार यह स्वीकार कर लेती है कि दाल में काला है और पाप पर पर्दा डालने के लिए वह किसी जाँच के लिए तैयार नहीं है।

THE MINISTER OF INDUSTRIAL DEVELOPMENT AND SCIENCE AND TECHNOLOGY (SHRI C. SUBRAMANIAM): I have listened with great respect to the speeches of Shri Mishra and Shri Jyotirmoy Bosu. I doubt whether I have or I had intentionally or unintentionally misled the House with reference to any point of fact. With great respect to them. I can say this with a clean conscience that there was absolutely no misrepresentation or misleading with regard to any of the facts I had placed before the House at that time.

The point for consideration is this. This resolution as you have been pleased to point out from the Chair, definitely refers to "misleading the House in their statements made in the House on the 22nd December, 1972, 1st March, 1973 and 7th March, 1973 with regard to the violation of the provisions of and orders made under the Indian Works of Defence Act in spite of objections taken by appropriate defence authorities." It looks as if this motion has been brought with an ulterior motive to rake up al matters on which a decent burial has already been given.

SHRI PILLO MODY: All irregularities concerned with Maruti; they are politically motivated. (*Interruptions*)

SHRI C. SUBRAMANIAM: Please wait Simply because we have different interpretations of a particular Act or a particular order it does not mean it is misleading. I may be wrong or he may be right. but that is quite a different thing. But do we believe that what we have put forward is *bona fide* and correct? That is the main matter for consideration. You will find that there was the 1962 notification. If it was valid, why did we want to take another notification in 1969? I do not think any body would go about repeating the whole thing if we considered it to be valid. Therefore, at that time, it was considered that another notification was necessary, and that is why all the proceedings in 1969 were taken. Otherwise, this will be meaningless exercise. Therefore, in our view, the 1962 notification was no longer effective and therefore, we were trying to take another action in 1969. Whether the action taken in 1969 is valid or not also has to be considered, and in our view—and that is what Shri Mishra referred to and also the Defence Minister wrote to them and it was quoted—that defect was discovered. And, therefore, if that defect was discovered and when we think that there was a defect and on that basis we say there has not been infringement of any of the provisions of the law, is it misleading the House? The hon. Member may think that our interpretation is wrong. That is quite a different thing altogether. But if we come to the conclusion on the basis of a thorough investigation of the facts, and the various provisions and the rules having been considered we come to the conclusion that this was not effective and we come to the House saying that this is the conclusion we have reached, is it misleading the House? This, I respectfully submit, is the plain thing which has to be considered.

The hon. Member may differ with regard to that. In other things they may have grievances, but certainly all those points cannot be brought in under the guise of this motion, and he cannot ask us to reply to those things. This is how in the other motion about the manufacture of cars he brought in not only the question of Maruti but land acquisition by the Haryana Government which is exclusively an executive act of the Haryana Government to which any action can be taken legally in the court or in the Haryana Legislative Assembly. If there is any fault of the Government on the executive side that should be taken to the court or in the Haryana Legislative Assembly. Therefore, I respectfuly submit that as far as this motion is concerned, there is absolutely no basis for this resolution.

I can speak for my colleagues also and I am sure they would also intervene. I would like to emphasise on my behalf that there was absolutely no intention to mislead the House and having gone through the whole proceedings, I am prepared to say that even unintentionally there was no misleading as far as the facts are concerned in this matter.

16.14 Hrs.

[SHRI K. N. TIWARI *in the Chair*]

श्री बी० पी० मौर्य (हापुड़) : सभापति महोदय, श्री अटल बिहारी वाजपेयी का प्रवचन मैं बड़े ध्यान से सुन रहा था। उस में ज्ञान, तथ्य और कानून से कोई वास्ता नहीं था। उस में राजनीति ही राजनीति थी। इस लिए यदि मैं भी राजनीति में चला जाऊं, तो श्री वाजपेयी और उन के साथी मुझे रोकेंगे नहीं, ऐसा मैं विश्वास करता हूं।

मैं नम्र निवेदन करना चाहता हूं कि जिस समय आज़ादी की लड़ाई लड़ी जा रही थी, उस समय कुछ ताकतें उस का विरोध कर रही थीं। आज़ादी आने के बाद जब देश में जनतन्त्र के लिए उत्तेजना थी, तो उस का भी विरोध कुछ ताकतें कर रही थीं। जनतन्त्र आने के बाद जब देश में विकास राष्ट्रीयकरण और समाजवाद की राह पर चलने के लिए पंच-वर्षीय योजनायें बनाई गईं, तो कुछ ताकतें उस का भी विरोध कर रही थीं। आज वही ताकतें अपने उद्देश्यों की पूर्ति के लिए फिर सामने आ गई हैं। इस के लिए उन्होंने एक ऐसे फ़ौजी कमांडर के पत्र का सहारा लिया है, जिस का अपना स्वार्थ इस में छिपा हुआ था। शायद इस सदन के बहुत से माननीय सदस्यों को इस बात की जानकारी न हो कि जिस पत्र को ले कर श्री मिश्र ने यहाँ पर यह प्रश्न उठाया है, उस पत्र के लेखक जो फ़ौजी हाकिम हैं, स्वयं उन की ज़मीन ली गई थी। (व्यवधान) वह ज़मीन लेने की बात उस समय चली, जब मारुति का जन्म भी नहीं हुआ था और जब हरियाणा राज्य भी नहीं बना था। उस फ़ौजी हाकिम ने अपने पद का दुरुपयोग किया है। इस पत्र के द्वारा उस ने एक षड़यन्त्र की रचना की है। जब यह ज़मीन ली गई, तो उस फ़ौजी हाकिम की भी ज़मीन ली गई।

जिन लोगों ने इस प्रश्न को उठाया है, ये वही लोग हैं, जो प्रिवीपर्सिज़, को बनाये रखना चाहते थे, जो बैंकों के राष्ट्रीयकरण का विरोध करते थे, जो तरह तरह की प्रतिक्रियावादी ताकतों की सहायता से यहाँ पर स्टेटस को कायम रखना चाहते थे। जब इन लोगों ने "इन्दिरा हटाओ" का नारा लगाया, तो जनता ने उन को धराशायी किया और श्रीमती इन्दिरा गाँधी पर विश्वास प्रकट किया

उस के फलस्वरूप देश की राजनीति में श्रीमती इन्दिरा गाँधी का प्रकाश फैल गया और श्री वाजपेयी तथा उन के साथी डगमगा गए। आज वे लोग उस प्रकाश को, उस चेहरे को, धुन्धला करने के लिए, इस प्रकार की राजनैतिक साजिशें कर रहे हैं और अपना राजनैतिक उल्लू सीधा करने के लिए श्रीमती इन्दिरा गाँधी पर तरह तरह के आरोप लगा रहे हैं।

इस पत्र में 1956 के नोटिफ़िकेशन के बारे में ब्यौरा दिया गया है। जैसा कि मेरे अन्य साथियों ने बताया है' 1962 या 1969 के नोटिफ़िकेशन के बारे में इस अधिकारी को या तो ज्ञान नहीं था और या जान-बूझ कर उस ने इन तथ्यों को छिपा रखा है। अगर हम 1956 के सर्कुलर को देखें, तो पास का गाँव भी उस में आता है। 3500 गज़ तक वहाँ कोई रचना नहीं की जा सकती थी। उस में भी दो रूप हैं : ज़मीन का इस्तेमाल और ज़मीन पर निर्माण। 1956 के सर्कुलर के आधार पर ज़मीन का इस्तेमाल तो किसान कर सकता था, लेकिन वह वहाँ कुछ बना नहीं सकता था। ज़मीन का इस्तेमाल तो वहाँ था। इसके बावजूद श्री ज्योतिर्मय बसु ने कहा कि वहाँ कुआँ तक नहीं बनने दिया। स्थिति यह है कि

[श्री बी० पी० मौर्य]

वहाँ सैकड़ों की तादाद में बंगले बन गए थे, अनएथाराइज्ड कन्स्ट्रक्शन हो गए थे। इसलिए या तो 1956 के सर्कुलर का हवाला जान-बूझ कर दिया गया, या उन को ज्ञान नहीं था।

जिस डिपो के बारे में माननीय सदस्यों को बहुत ज्यादा परेशानी है, जिस की वजह से 1962 का नोटिफ़िकेशन था, वह 1966 में नहीं रहा। जब वह 1966 में नहीं रहा, तो वे तमाम रुकावटें और रेस्ट्रिक्शन्ज अपने आप समाप्त हो जाती हैं, जो 1962 में आई थी। 1969 का गजेट जरूर हुआ, लेकिन पब्लिक नोटिफिकेशन नहीं हुआ। अगर श्री मिश्र उन दोनों में अन्तर करें, तो उस से बहुत सी बातें साफ़ हो जायेंगी।

श्री वाजपेयी से मुझे कोई भी परेशानी नहीं है, क्योंकि प्रत्यक्ष में उन का कोई बेटा बेटी नजर नहीं आता है। लेकिन इस सदन में बहुत से ऐसे आदरणीय सदस्य हैं, जिन के बेटे-बेटियाँ हैं। मैं इस पक्ष का हूं कि किसी भी लड़के या लड़की को उस के बाप के प्रधान मन्त्री, मन्त्री या संसद-सदस्य होने का लाभ नहीं होना चाहिए। लेकिन इस के साथ साथ इस सदन के सदस्यों को, देश की जनता को, बुद्धिजीवियों और श्रमजीवियों को इस तथ्य पर भी विश्वास करना पड़ेगा कि किसी भी नौजवान को इस बात की सजा नहीं मिलनी चाहिए कि उस की माँ प्रधान मन्त्री है।

इस बात की सजा नहीं मिलनी चाहिए क्यों कि उस का बाप मन्त्री है, यह मैं आप से नम्र निवेदन करना चाहता हूं। ऐसे छोटे सहारों को ले कर आप चलें हैं। जिस पत्र के बारे में आप कह रहे हैं उस पत्र के बारे में आदरणीय रक्षा मन्त्री स्वयं बतायेंगे, किस तरह से आप ने अपने दायरे में लाने के लिए उसे तोड़ा मरोड़ा है। वह जाली पत्र मुझे तो नजर में आता है। उस के बारे में पूरा प्रकाश रक्षा मन्त्री जी डालेंगे। मैं तो केवल एक ही निवेदन करना चाहता हूं कि खुला मैदान है, जनतन्त्र है, कोई व्यक्ति-तन्त्र नहीं है, उस मैदान में हार जाते हो तो यह ओछे हथकन्डे क्यों अपनाते हो? इन को अपनाने से कोई भी लाभ होने वाला नहीं है। कोई भी यहाँ व्यवस्था का प्रश्न नहीं था। कोई भी यहाँ प्रिविलेज का प्रश्न नहीं था। किसी भी मंत्री ने प्रिविलेज को नहीं तोड़ा था। केवल अपने मन का गुस्सा निकालना चाहते थे राजनीति के आधार पर, यही मुझे निवेदन करना है।

श्री भोगेन्द्र झा (जयनगर) : सभापति जी, जो यह विषय उठा है, यह स्पष्ट है मौर्य जी ने कहा और कई और सदस्यों ने कहा कि राजनीति से इस को मिलाया जा रहा है। इस में कोई दो राय नहीं हैं कि राजनीति जिस की जो है उसके मुताबिक इस मसले को वह इस्तेमाल करने की कोशिश कर रहा है। यह भी सही है कि हमारे देश के जो कारों के इजारेदार हैं एम्बैसेडर, फिएट और स्टैण्डर्ड के मालिक, वह नहीं चाहते थे कि कोई छोटी कार का कारखाना देश में चले। 18-20 साल से पब्लिक सैक्टर में कारखाना खोलने का सारा प्रयास विफल गया। सुब्रह्मण्यम साहब उद्योग मंत्री थे, तब उन्होंने आश्वासन दिया था कि होगा। फखरूद्दीन अली साहब ने मेरे सवाल के जवाब में बार-बार कहा था कि होगा। विदेश की कई कम्पनियों से बातें की गई थीं। लेकिन हिन्दुस्तान के ये तीन कारों के इजारेदार भारत सरकार से ज्यादा शक्तिशाली साबित हुए और पब्लिक सैक्टर में कोई छोटी कार का कारखाना नहीं चला। हमें उस के लिए भी कोई ज्यादा दुःख नहीं है। हमारी पार्टी ने बार-बार कहा था कि पब्लिक ट्रान्सपोर्ट बसेस का बढ़ावा कीजिए कार का कारखाना न भी बढ़े तो आम लोगों के लिए ज्यादा सुविधा यात्रा में होगी।

यह भी सही बात है कि आज देश के अन्दर जो इस मारुति के सवाल पर हंगामा हो रहा है उसमें एक तरफ ये कारों के पुराने इजारेदार हैं। पूरी शक्ति से उनके सारे साधन, उनके प्रचार का साधन इस में लगा हुआ है। और यह

भी सही बात है कि जब गल्ले के थोक व्यापार का राष्ट्रीयकरण हुआ, जब कोयले का राष्ट्रीयकरण हुआ तो ऐसी पृष्ठभूमि में जो निहित स्वार्थ वाले हैं वह अपनी पूरी शक्ति से जनता के ध्यान को दूसरी तरफ खींचना चाहते हैं जिससे कि आम जनगण एक हो कर अपनी खुशहाली की लड़ाई के लिए आगे न बढ़ सके। और इसी पृष्ठ भूमि में यह एतराज है। अभी मौर्य जी ने कहा कि किसी नौजवान को अधिकार है या नहीं है कि अगर वह किसी का भी पुत्र है तो वह अपनी क्षमता के मुताबिक कारखाने को बढ़ा सके, प्रधान मंत्री का पुत्र हो, किसी का भी हो? सभापति जी, उस को पूरा अधिकार है। लेकिन इस सवाल पर इसी से हमें सदमा होता है। सदमा हमें यह होता है कि क्या किसी एक नौजवान को वह प्रधान मंत्री का पुत्र नहीं भी रहे तब भी देश के करोड़पति, देश के टैक्सों की चोरी करने वाले शिखण्डी बना कर इस्तेमाल करें क्या यह मुनासिब होगा? क्या यह सही है, आम लोगों की धारणा है कि मारुति कारखाना संजय गांधी का है, क्या यह सही है कि 7 करोड़ का हिस्सा जिस कारखाने में है संजय गांधी का हिस्सा उस में सिर्फ 1 हजार रुपए का है?

श्री पीलू मोदी : कहां से लाये एक हजार रुपया वह?

श्री भोगेन्द्र झा : और यह 7 करोड़ के हिस्से वाले कौन लोग हैं? क्या यह वही लोग हैं जो देश के बड़े-बड़े करोड़पति हैं? क्या वही लोग हैं जो भारत सरकार की और प्रधान मंत्री इंदिरा गांधी की नीतियों के खुले आम विरोधी हैं, शराबखोर से लेकर टैक्स चोर तक इस में हैं। क्या यह दुर्भाग्य की बात नहीं है कि संजय गांधी को शिखण्डी बना कर वह इस्तेमाल कर रहे हैं? अगर पूरी फहरिस्त पढ़ी जाए तो 120 आदमी हिस्सेदार हैं जिसमें 24 ऐसे हैं जिन्होंने 14 करोड़ रुपया पब्लिक फाइनेंशियल इंस्टीट्यूशंस से लिया हैं। केवल 24 ने लिया है। यह क्यों इन को दिया गया है? क्या मारुति में हिस्सा देने के बदले दिया गया है? क्या उन्होंने संजय गांधी को मुशारे पर मैनेजिंग डाइरैक्टर रख लिया है? क्या जहां 120 हिस्सेदार हैं जब इन की मर्जी होगी संजय गांधी को निकाल नहीं सकते हैं जब कि देश के लोगों में भ्रम पैदा किया जा रहा है। और मुझे अफ़सोस जरूर है कि जो विरोधी पक्ष के लोग हैं बोले हैं वह भी इस बात को छिपा गए और सरकारी दल में भी शायद यह हिम्मत नहीं है या ईमान नहीं है कि वह सच्चाई को रखें कि यह कारखाना संजय गांधी का नहीं है। देश के करोड़पति ही शिखण्डी बना कर हमारे एक नौजवान को आगे रख कर उसका इस्तेमाल कर रहे हैं। इस सदन का यह कर्तव्य हो जाता है कि जो शिखण्डी के पीछे खड़ा है उस पर हम चोट करें। मारुति सहित चारों कारखानों का हम राष्ट्रीयकरण करें, हमारा यह राष्ट्रीय कर्तव्य हो गया है। फिएट, एम्बैसेडर, स्टैण्डर्ड और मारुति, इन चारों कारखानों का हम राष्ट्रीयकरण करें। मैं इन्तजार कर रहा था कि वाजपेयी जी जरा इस बात को बोलते। वह राजनीति बोले, मुझे उससे एतराज नहीं है। लेकिन वह इस बात को जरा बोलते। मुझे अफसोस है कि ज्योतिर्मय बसु बोले तो कम से कम वह इस बात को कह सकते थे, ऐसी आशा मैं करता था।

तो ऐसी स्थिति में मैं यह समझ रहा हूं कि यह मारुति का कारखाना एक नौजवान का, उसके पैसे के अभाव का इस्तेमाल कर-अभी पीलू मोदी वाले हैं कि हजार रुपया कहां से लाए क्योंकि यही और इन का वर्ग ला सकता है करोड़ों रुपए, मुफ्त के रुपए, ब्लैक के रुपए, लेकिन किसी नौजवान के पास में हुनर है और इल्म है, पैसा नहीं है तो उसका बेजा इस्तेमाल करोड़पति लोग कर रहे हैं। एक नौजवान के जोश और उमंग का इस्तेमाल करोड़पति इस तरह से कर रहे हैं। ऐसी पृष्ठभूमि में जब कोई बोर्ड आफ डायरैक्टर्स में अकेले संजय

गांधी हैं जो हिस्सेदार हैं, बाकी जो बोर्ड आफ डायरैक्टर्स में नौ हैं वह कपाड़िया हैं, एक बेचारे मोहन की तो मृत्यु हो गयी शराब कारखाने वाले, अब पता नहीं वह मारुति के के चलते घुस आए थे राज्य सभा में या और किसी के चलते, यह मैं नहीं जानता हूं, यह कांग्रेस पार्टी वाले तय करें, लेकिन जो भी हो, यह बाकी आठ हिस्सेदार भी नहीं हैं जो बोर्ड आफ डायरैक्टर्स के मैम्बर हैं। तो जो मामूली हिस्सेदार भी नहीं हैं, वह बोर्ड आफ डायरेक्टर्स में है, और सब कब्जा किये हुए हैं। हिस्सेदारी में वह कब्जा किए हुए हैं। बदले में 14 करोड़ रुपया इन्होंने राष्ट्र का धन ले लिया है। इस बीच में यह इन्होंने लिया है और देश में यह नाटक हो रहा है कि संजय गांधी का कारखाना है।

इस पृष्ठभूमि में जिस पर आपके सामने बहस शुरू हुई है उस पर मैं आ रहा हूं। जो विषय है, जो कांग्रेस के सदस्य बोले हैं, मैं इंतजार कर रहा था कि कुछ ऐसी बात कहेंगे कि कुछ नई रौशनी पड़ेगी। सुब्रह्मण्यम साहब भी बोले हैं, उन्होंने भी कोई रौशनी नहीं डाली।

श्री पीलू मोदी : इन को नई रौशनी चाहिए। इन पर इंदिरा की रौशनी काफी हो गयी है, अब नई रौशनी चाहिए।

श्री भोगेन्द्र झा : आप के लिए तो कोई रोशनी काम नहीं करेगी।

शुक्ला साहब का जवाब यह था——

तो जहां तक वहां से हटाने का सवाल नहीं है जो अभी तक दर्ज है जो मिश्रा जी ने कहा है उसके आधार पर कुछ भी वहां से हटाने का सवाल नहीं है। लेकिन कुछ एतराज नहीं है, इस में दो ही बातें सम्भव हो सकती हैं। या तो उस समय मिनिस्टर साहब को यह मालूम नहीं था कि किसी अफसर ने एतराज किया था। नहीं मालूम था तो खुलकर सदन में कह दें कि हमें मालूम नहीं था और उस वक्त गलती हो गई, कोई नीयत नहीं थी, सदन को गुमराह करने की और इसमें मामूली हिम्मत की जरूरत है, कोई बहुत ज्यादा हिम्मत की जरूरत नहीं है।.....

श्री अटल बिहारी वाजपेयी : उनमें मामूली हिम्मत भी नहीं है।

श्री भोगेन्द्र झा : और अगर उन को मालूम है जो मौर्य साहब ने कहा है और साल्वे साहब ने कहा है, बाकी लोगों ने भी कहा है कि वह अफसर ने जो भी लिखा था वही गैर-कानूनी था, तब तो गंभीर मामला आता है। तब तो एतराज था, आप कहते उस दिन कि यह गैरकानूनी एतराज था, आप कहते कि यह एतराज नियमों के आधार पर नहीं है, तो मालूम था अगर आप को और तब आप ने कहा तो सदन को निश्चित ही गुमराह किया। नीयत हो या नहीं हो नतीजा यही हुआ। मालूम नहीं था तो आप से अनजान में गलती हो गयी। वह पत्र है, कानूनी है या गैर-कानूनी है.....

सभापति महोदय : देखिए, दोहराइए मत एक बात को।

श्री भोगेन्द्र झा : किसी भी हालत में यह गलती हुई और मैं आशा करता हूं सदन के सामने मंत्री महोदय इस गलती को माने, यह कोई बहुत बड़ी बात नहीं है। जहां तक नीयत का मामला है तो अन्तर्यामी होने का दावा हम नहीं कर रहे हैं कि नीयत थी गुमराह करने की। लेकिन वैसा ही सवाल दूसरा फिर आता है, सवाल यह आता है कि नोटिफिकेशन जारी हुआ, जिला मजिस्ट्रेट ने उसे प्रसारित नहीं किया पब्लिक के लिए, गैरकानूनी हो गया।

श्री अटल बिहारी वाजपेयी : गलती किस की है?

श्री भोगेन्द्र झा : मैं गलती पर नहीं जाना चाहता, मैं जानना चाहता हूं कि क्यों गलती हुई? 68 में मारुति के लिए आवेदन पड़ा

69 की जनवरी में यह आदेश, यह नोटिफिकेशन हुआ। उस के बाद कलैक्टर ने क्यों रोका? कलैक्टर हरियाना का था, कलैक्टर बंसीलाल के मातहत का था। क्या मारुति के चलते तो नहीं रोका गया? मैं यह जानना चाहता हूं। रक्षा मंत्री का पत्र पढ़ा गया है, अभी सुब्रह्मण्यम साहब ने कहा है कि हमें पता चला कि सन् 69 में 62 वाला नोटिफिकेशन लागू नहीं होता इसीलिए दुरुस्त करने के लिए 69 में नया आदेश जारी हुआ, नोटिफिकेशन जारी हुआ। अगर जारी हुआ तो उस को पंगु बना कर क्यों रख दिया? उसे रास्ते में क्यों रोक लिया गया, क्योंकि मारुति का आवेदन पहुंच चुका था 1968 में। स्थान का परिवर्तन बाद में हुआ। मैं जानना चाहता हूं—हृदय की बात का मैं दावा नहीं करता—क्या यह सही है कि मारुति के चलते ही कलैक्टर ने नोटिफाई नहीं किया?

श्री नरेन्द्र कुमार साल्वे : 1969 में मारुति था ही नहीं।

श्री भोगेन्द्र झा : मारुति गर्भ में था, उस का आवेदन पड़ चुका था, स्थान का परिवर्तन बाद में हुआ है। क्या कलैक्टर ने जब इस को पंगु बना दिया तब स्थान में परिवर्तन नहीं हुआ।

इसके साथ, सभापति महोदय, मैं यह आग्रह करूंगा—क्या मारुति के सवाल को लेकर सदन को यह विश्वास दिलाने की कोशिश की जा रही है कि वहां कोई कायदा या नियम नहीं था, जब से हवाई फौज के हाथ में वह स्थान आया, तो उस के बाद कोई भी आदमी वहां कुछ भी कर दे, कोई कारखाना या कोई और चीज बनादे, उस पर कोई नियन्त्रण नहीं है, या मारुति के लिए सरकार की ओर से दवाब आया! यह बड़ी हास्यास्पद बात है, इस का मतलब है कि हमारी हवाई फौज को सुरक्षित करने के लिए कोई स्थान ही नहीं है—इस के लिए हमारे ये वकील लोग बहस किये जा रहे हैं।

श्री नरेन्द्र कुमार साल्वे : यह बात नहीं है।

श्री भोगेन्द्र झा : कल कोई वहां कोई कारखाना बनाने लगे तो उस के लिए रोक है या नहीं है।

श्री नरेन्द्र कुमार साल्वे : रोक ऐसी है कि जो भी वर्क्स बनते हैं, उसी वक्त ही डिक्लेरेशन कर देना चाहिए। अगर मकानात बन जाएंगे तो उन को बाद में तोड़ा नहीं जा सकता।

श्री श्यामनन्दन मिश्र : अब उस को तोड़ दीजिए।

श्री भोगेन्द्र झा : सभापति महोदय, जो बात मैं कह रहा था, उसमें साल्वे साहब ने कोई मदद नहीं की। कांग्रेस बैन्चेज से अभी तक जो कुछ कहा गया है, उस के मुताबिक कोई नियम, अधिनियम, कानून वहां नहीं है जिन के मुताबिक हमारी हवाई फौजों का किनारा सुरक्षित रह सके। अगर यही मामला है तो यह और भी गम्भीर मामला है, हमारी सुरक्षा के साथ खिलवाड़ किया जा रहा है।

इसीलिए इन बातों को ध्यान में रखते हुए, सभापति जी, मैं आप के जरिए सदन से निवेदन करना चाहता हूं, खास कर शासक दल से आग्रह करना चाहता हूं कि गम्भीरता से जहां तक उस दिन की गल्ती का सवाल है, उस को मान लें, तो सदन को इस मामले में थोड़ा उदार होना चाहिए क्योंकि उन्होंने उस गल्ती को मान लिया है। मैं आशा करता हूं कि मिश्रा जी भी इस से सहमत होंगे।

जहां तक दूसरा सवाल है—मारुति ने जो रूप लिया है, चार कारखाने हैं, हम राष्ट्रीयकरण की ओर बढ़ें और ऐसा करके इन प्रतिक्रियावादियों से बचें।

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Mr. Chairman, Sir, I wish to make a very brief intervention because, after hearing the debate, I do not find anything which is new and which requires a fresh reply, so far as I am concerned. I am coming up because the motion specifically mentions my name and alleges that I have misled the House.

[Shri H. R. Gokhale]

Now, why have I misled the House? Because, some hon. Members in this House do not agree with the interpretation which I have placed on the relevant provisions of the law. By the same logic, can I say that they are misleading the House because I do not agree with their interpretation?

Sir, I have dealt with this question elaborately when I intervened in the debate on the 7th March. On the last occasion I dealt only with the question of law as to the argument that certain provisions of the law, in particular the Indian Works of Defence Act, 1903, have been violated. When I spoke at that time I had made it clear that I was intervening only to clarify the legal position and, as I was entitled to, I looked at the facts stated by my colleague as authoritative facts. Because, even a conclusion on a question of law can be reached on the basis of certain facts, on the basis of which you say whether the law has been violated or not violated.

Now the whole question is in a very narrow compass. We have the 1962 notification and also the 1969 notification. With regard to the 1962 notification I had stated, and I would state now, that so far as the validity of that notification was concerned, it was a valid notification and was in existence up to a particular point of time. Because it appeared to me that it conformed and complied with the requirements of Section 3 read with Section 7 of the Indian Works of Defence Act, 1903.

Then certain circumstances intervened sometime in 1966. As a fact, it was stated before the House that the ammunition depot to which 1962 notification referred was not there, that was shifted from there and that, not only it was shifted from there but some other depot which came in its place did not occupy topographically the same area which was occupied by the ammunition depot to which the 1962 notification applied. The crux of the matter, so far as the law is concerned, is that Section 3 itself requires that when you want certain restrictions under Section 7 and in particular Section 7(b) to apply, you have to study at a point of time from where the distance, whether it is 1000 or 2000 yards, begins, that is, the crest of the parapet wall as it is called, so that out of that distance, you are prohibited from erecting any structures or things of that sort. Now, the crest of the parapet wall itself changed because the fact stated was that in the new installation which was brought sometime in 1966, some part of the land which had been allotted to the earlier installation, the ammunition depot, had been taken away by derequisitioning. The crest of the parapet wall itself altered. Therefore, there was no question of distance of 1000 yards referred to in 1962 notification being applied to a geographically or topographically a new situation that came into existence when the crest of the parapet wall itself changed, when the new installation came there.

That was the particular reason why I said that 1962 notification had spent itself out, had exhausted itself out, because the very corpus or the very body in respect of which the notification was issued did not exist in point of fact.

Then, I said, 1969 notification was undoubtedly issued and, again, it was purported to have been issued in accordance with the provisions of Section 3 read with Section 7(b) of the relevant Act. Now, with regard to that notification, I must make it clear that I have not used the word *non est* at any time during the previous discussion on the subject. The confusion arises because, unfortunately, it has not been appreciated that there is a vital distinction between either a law or a notification which is *non est* and that which is non-operative. When a law is *non est*, it does not exist; simply, it does not exist. Therefore, anything said to have been done under the law cannot be said to have been done at all. But it is not the same thing to say that the law is not non-operative. The law may exist. Certain conditions precedent, laid down under the law itself, have to be fulfilled before that law becomes operative. Therefore, a distinction between a *non est* notification and a notification which even if assuming it was valid was non-operative was, unfortunately, not appreciated.

What I said so far as the 1969 notification was concerned, apart from the many infirmities from which it suffered—I do not

want to go into all that again; I have referred to them during the earlier discussion—that one vital thing has not happened in respect of that notification. Therefore, I said, even though assuming it was validly issued, it could not be said to have been operative at all in terms of Section 3, Sub-Section (2). What is the effect of such a notice not being given is mentioned clearly in Section 7 which is really a more important provision so far as the legality or the illegality of the present case is concerned. Section 7 itself says:

"From and after the publication of the notice mentioned in Section 3, sub-Section (2) such of the following restrictions as the Central Government may in its discretion declare..."

I submit that there can be no reason for any doubt here. So far as this section is concerned, it says that the restrictions will come into effect from and after the publication of the notice. Till that time, even if the notification is valid, the restrictions under section 7 do not come into effect—they come into effect only 'from and after the publication of the notice' referred to in section 3. If the notice under section 3 itself was not issued, the question of section 7 or the restrictions in section 7(b) becoming operative does not arise at all. That is what I stated in my earlier statement in the House on the 7 March. Therefore, to say that I said—this has been put in my mouth—that the 1962 notification was invalid because the 1969 notification was issued is, to say the least, failing to appreciate the contention which I had made before the House at that time. I did undoubtedly say that 1962 notification, for the reasons which I had mentioned, had spent itself out. The very fact that the 1969 notification was required to be issued, was deemed to be necessary to be issued as my colleague, Shri C. Subramaniam, mentioned, would show that even the authorities which were responsible for issuing the notification had thought that the 1962 notification was no longer there; therefore, a new notification was necessary. That is all that I said. I did not say that the 1969 notification rendered the 1962 notification invalid. I said that the 1969 notification was inoperative, and the 1962 notification had spent itself out because of the supervening circumstances to which I had made reference—and I need not repeat them. No new point has been raised in the course of the debate to which I need make any reference. Points of fact have been referred to, and I am quite sure that my colleague will deal with all those questions of fact. I would not have liked to go into the legality of the matter had it not been for the fact that both on the earlier occasion and in the present debate the legality of the notifications, the legality of the action, had itself been challenged.

SHRI PILOO MODY (Godhra): Mr. Chairman, Sir, this must be the most important debate that has taken place in Parliament in the last three years because on no other occasion in the last three years have I seen 14 or 15 Ministers present in Parliament all at once, of which at least seven were Cabinet Ministers at one time. There must be some special significance attached to this debate because I have seen crores and crores of rupees being given away. When the President's Address was debated, when the Demands for Grants in respect of the Ministries were discussed, when there were discussions on the Finance Bill in Parliament, I had seen only one or two or three Ministers being present, with Mr. Raghu Ramaiah hovering round like a fly in the House. I have never seen a single debate in this House in which 15 Ministers sat—many of them with ear- phones and seven of them being Cabinet Ministers. There must be something quite sinister or peculiar in this debate. Take, for instance, Shri L. N. Mishra, who normally comes into the House only on his 'Question Day' and who, immediately after the last question is finished, runs out like a rugby tackler in the fear that somebody might ask him an awkward question. And today all of them have been sitting for hours on end. I am suspicious.

Now and then somebody from the Congress benches gets up and says that there is political motivation here. I am saying that there is only political motivation in this. There is only political motivation in this. It is only for political motivation that this debate is taking place. The Ministers of the Government of India—we have now got accustomed to it—lie 12 times a day. If we start having privilege motions over every lie they utter,

[Shri Piloo Mody].

we will never do any other work in this House. But, this a very different sort of lie.

I do not want to hide behind any question that the matter of privilege is involved because he misled the House. It is quite evident that they have misled the House and it is quite evident why they have misled the House. They were only doing their masters' and mistresses' bidding and, therefore, to say that this debate is not as a result of political motivation is rank hyprocrisy and I do not want any part of it. Why is this debate being brought here in this form? Because month after month we had tried in the BAC, this committee and that committee to get all the affairs of Maruti discussed on the floor of the House. Month after month and years. It took 14 months to get Nagarwala on to floor of the House. It took me 14 months to get Nagarwala discussed in the Parliament of India and in a similar fashion, no matter what efforts we made, Maruti was *persona non grata* and could not be discussed because it was too sacred a subject for the Parliament of India to discuss. You had only the other day a call attention notice dealing with the Safdarjung fly-over. My friend, Mr. Jagannath Rao Joshi was just about to say 'Maruti'. He had just uttered 'Ma' and fifteen people got up there with their books, all flagged and all points of order, points under 372, 353 and so on were raised. What does all this mean? It means there is a national conspiracy hatched by the Government of India and its followers here to put the affairs of Maruti beyond the public explanation, beyond public scrutiny and beyond public understanding....

SHRI K. LAKKAPPA (Tumkur): On a point of order, Sir. He is making a charge not only against the Treasury Benches but also against all the Members of the House that we are hatching a conspiracy. I would like to know how it is relevant. How is he allowed to use such words? He should not be allowed to use such words which reflect on the entire House.

SHRI PILOO MODY: I thank him for giving me a little rest. I have nothing against Maruti. I have nothing against Maruti or for that matter, I have nothing against Mr. Sanjay Gandhy. My answer to everything is not like my friend Mr. Bhogendra Jha's who wants that as soons as something happens, "take it over", and in the process take a little bit more so that his philosophy is served further. By all means, I would say that it would be doing India a great injustice. It would be doing India a great injustice if Maruti was taken over by the Government of India. Let Mr. Sanjay Gandhi and all those who have rushed to help him stew in their own juice. I do not think they will be able to manufacture a car. Why should the Government of India take it over? I have nothing against them, as I said. Let Mr. Sanjay Gandhi have his project and I wish him well. I hope he does make a car. I hope he does make a car which will work and I hope that you all do have to travel in that car instead of those American imperialist cars that all of you use now... (*Interruptions*) I have been accustomed to it but it is these people who have been sensitive about it and have no right to use one.

Sir, as I was saying, I have nothing against Mr. Sanjay Gandhi. I wish him well.

So, I shall say only this that I hope be manufactures a car and I wish him well. I see no reason why Sanjay Gandhi should not indulge in this sort of thing. This is a sort of wretched society we have created: every businessman, every blackmarketeer, every crook in this country makes use of the same laws, the same violation of laws, the same sort of protection, official protection, and the same sort of under-hand dealings go on and then they put up factories. So, why should Sanjay Gandhi not put up a factory? He is a little better connected than they are. So, let him put up a factory. If you do not stop the other blackmarketeers, why should you stop him?

The only problem involved here is that he is the Prime Minister's son. If it does not hurt or offend her dignity or self-respect, who am I to say that she should have any? So, let Sanjay Gandhi make this car. And let this sort of privilege motion keep coming till you allow a proper debate, not clothe it in secrecy and in other garbs. It is not a debate on privilege, or a little bit of lies that these Ministers indulged in because they thought that they had to be loyal to their leader; but it is a question

of having to discuss something which I think is the shame of the public life of this country.

SHRI VASANT SATHE (Akola): We have heard the whole debate which has gone on, and as has been confessed just now by Shri Pillo Mody there has been nothing but politics in this entire debate.

Shri Shyamnandan Mishra took nearly ninety minutes on explaining the technical and legal niceties right from 1903, taking us to 1971 and all the regulations, circulars, notifications etc. etc., and he was trying to point out how the Treasury Benches had misled this House in terms of the various sections.

Therefore, there has been a complete divergence of views, as far as Shri Shyamnandan Mishra and Shri Piloo Mody are concerned. I think Shri Piloo Mody was more honest, when he confessed, let us not be ashamed, there is politics, it is pure Maruti and nothing else.

So, let us consider it now from both these angles. As far as the legal side is concerned, it has been amply demonstrated and pointed out that the 1962 notifications became inoperative because the very corpus, namely the ammunition depot was removed from there and taken to Rajasthan. The moment it ceased to exist, the notification that applied to that ammunition depot became inoperative.

So, the first thing that you have to consider is this. Did the 1962 notification remain in operation? If that goes, then let us consider what has happened afterwards. Afterwards, the Air Force came in. The Air Force then brought its own and it was called the Air Force Storage Depot. It was precisely because of that that in 1969 the Government felt that a fresh notification was essential. When they brought out that fresh notification, originally that notification was under the Act of 1903 and was considered to be valid. It is only an accident that because certain other things which were required to be done under that Act itself were not done, that notification became inoperative.

Hence if the 1969 notification is also inoperative, under what law or rule do you bring your entire case that there has been any violation of any regulation? So as far as law is concerned, there is no substance in the case.

Let us, therefore, take politics. I would ask a simple question to all these gentlemen who have been crying hoarse and confessing that there is only politics. If this factory were not of Sanjay Gandhi's, would Shri Mishra have brought this motion here? Let us honestly ask this question.

SHRI PILOO MODY: I will answer: if it had not been Sanjay Gandhi's, the Ministers would not have been forced to lie.

SHRI VASANT SATHE: After all, are not there more serious issues facing this country? -

You will remember last time they spent two days on this issue. Are we not going to take any national issue seriously? Just because you want to create a stunt, what are you trying to do? You want to denigrate...

SHRI PILOO MODY: Yesterday there was a big debate on prices. There were only 20 members in the House and he asks 'Can't we take national issues seriously?' They were in the lobbies canvassing.

SHRI VASANT SATHE: Shri Piloo Mody has blood pressure. He must not get excited.

SHRI PILOO MODY: Low blood pressure.

SHRI VASANT SATHE: While speaking, he starts panting.

What are you trying really to do? You want publicity in the press. You want the whole country and, if possible, the world to know. You want to denigrate, character-assassinate, trying to say that here is a Prime Minister who is favouring her son. That is what you aim at. You tried to do it in the last elections. Are you not going to learn the lessons thereof? Do you think you improved your image by that? In the last elections, your slogan was 'Indira hatao'. What happened? You lost the entire image of all your parties and were wiped out by the people. People do not take it in that light.

SHRI PILOO MODY: We were three years before our time.

SHRI VASANT SATHE: You are trying to spit at the mid-day sun. It will only come back on you. Therefore, do not do this spitting at the mid-day sun.

This is only a political stunt, very cheap at that, absolutely cheap. You are trying only to create scandal in the country. Therefore, I would submit there is no substance in this Motion and no one should take it seriously.

SHRI PILOO MODY: Had it been somebody else's factory, he would not have got up to defend it either.

श्री मधु लिमये (बाँका) : सभापति महोदय, मैं तात्विक बातों को लेकर या कानून की बारीकी में जा कर बहस नहीं करना चाहता। इस में सिद्धांतों के सवाल जुड़े हुए हैं। पहला यह कि क्या संजय गांधी के लिए लगातार कानूनों का उल्लंघन किया जा रहा है या नहीं ?

दूसरा यह कि क्या इस में बुनियादी नीति के सवाल जुड़े हुए हैं या नहीं; और

तीसरा यह कि क्या इस में औचित्य के प्रश्न और नैतिकता के प्रश्न उठते हैं या नहीं ?

सभापति महोदय, जो माननीय एस० एन० मिश्र ने प्रस्ताव रखा है, प्रस्ताव तो अच्छा ही है। लेकिन इस में एक वाक्य और होता तो बहुत अच्छा हो जाता। उस में उन को जोड़ना चाहिए था :

'the failure of the Prime Minister to enforce high standards of rectitude in this regard'.

यह भी उसमें होना चाहिए। क्योंकि बात क्या है जिन मंत्रियों की सूची इस में दी गई है कानून मंत्री, राज्य सुरक्षा मंत्री, उद्योग विकास मंत्री, ये कौन हैं ? सभापति जी, लड़कपन में अरबियन नाइट्स की एक कहानी मैंने पढ़ी थी उस में एक रानी छूमन्तर से लोगों को कभी तोता बनाती थी कभी कोई प्राणी बनाती थी, किसी की मति भ्रमित कर देती थी। जो उल्लंघन के मामले श्याम बाबू ने रखे हैं उस पर इन मंत्रियों के द्वारा यही दलील दी जा सकती है कि हमारे ऊपर भी रानी ने छूमंतर कर दिया है, इसलिए हमारी मति भ्रमित है और हम जो कुछ भी करते हैं उसके लिए हम जिम्मेदार नहीं है। हमारी मति भ्रमित हो चुकी है। इसके अलावा और कोई समर्थन ये लोग दे नहीं सकते हैं।

17 hrs.

श्री जगजीवन राम जी ने एक पत्र त्यागी जी को लिखा था जो मेरे पास है। उसमें उन्होंने स्वयं कबूल किया है :

"The deficiencies in the notification of 1969 came to light only in December, 1972. By then no corrective action was possible in view of the limitations provided in section 9 of the Indian Works of Defence Act, 1903."

आगे वह कहते हैं :

"The Ministry of Defence is looking into the question as to how this declaration was not properly promulgated."

स्वयं वह कबूल कर रहे हैं कि घोषणा करते समय इनके द्वारा भयंकर भूल हुई। (**इटरप्शंज**) यह सही पत्र है या बनावटी है ? आजकल पूछना पड़ता है यह सवाल। जब स्वयं श्री जगजीवन राम इस बात को कबूल करते हैं कि नोटिफिकेशन जारी करते समय भूल हुई और इसके बारे में हम लोग जांच कर रहे हैं कि वह भूल हुई कैसे तो उल्लंघन तो साफ है, गलती तो साफ है। मगर केवल एक गलती थोड़े ही है जमीन के बारे में। अभी-अभी कानून मंत्री के मंत्रालय के एक मंत्री ने शेयर्ज के बारे में इस बात को स्वीकार किया है कि मैसर्ज फिलटरोना इंडिया लिमिटेड और किलिक्स स्लाटेड एण्गलसज लिमिटेड, जिन्होंने क्रमशः 24,000 और 23,000 मारुति लिमिटेड में शेयर्ज खरीदे तब खरीदे जब कुल मारुति की पूंजी दो लाख के लगभग थी। इसमें कम्पनी कानून की एक धारा का उल्लंघन हुआ है। उसके बारे में कानून मंत्रालय के एक मंत्री महोदय का वक्तव्य मैं आपके सामने पेश करना चाहता हूं। एक उल्लंघन का मामला नहीं है। इन कम्पनियों के द्वारा ऐसा करने के बारे में मंत्री महोदय कहते हैं

"...has contravened the provisions of section 372 of the Companies Act by subscribing more than 10 per cent in the subscribed capital of the company."

यह कम्पनी कानून का उल्लंघन हुआ है। ये सुरक्षा की बात कर रहे हैं, मैं कम्पनी कानून की बात भी जोड़ देना चाहता हूं। उल्लंघनों की मालिका आपके सामने रख रहा हूं....

श्री राम सहाय पाण्डे : मैं व्यवस्था का प्रश्न उठाना चाहता हूं। मोशन सदन के सामने क्या है। मोशन यह है कि जमीन लेने के सम्बन्ध में नोटिफिकेशन जो हुआ है उसकी वजह से किसी कानून आदि का उल्लंघन हुआ है तो मंत्री उसके लिए कहां तक जिम्मेदार हैं। अब इस सब का जवाब मंत्री देंगे। मारुति के शेयर किस ने लिए, किस ने बेचे, कब बनेगी, क्या होगा, यह प्रश्न हाउस के सामने नहीं है। इसका सिद्धांत कहां से आ गया, उद्देश्य कहां से आ गया यह प्रश्न इस समय विचाराधीन नहीं है। किस की लाबी आप कर रहे हैं? क्या प्राइवेट सैक्टर जो एक्सपेंशन चाहता है उसकी लाबी नहीं कर रहे है?

It is not the question of Maruti; it is not the question of shares. It does not cover the motion before the House. You must know this.

SHRI C. M. STEPHEN : That is not the subject of the debate. The subject of the debate is "misleading the House...'

सभापति महोदय : डिस्कशन के अन्दर जो सबजैक्ट आ सकते हैं, ये दिये हुए हैं।

"...That this House deplores the conduct of Shri C. Subramaniam, Minister of Industrial Development, Shri V. C. Shukla, Minister of State for Defence Production and Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs for misleading the House."

मिसलीडिंग दी हाउस तक ही आप अपने आपको कनफाइन रखें।

श्री मधु लिमये : कानून के उल्लंघन की बात चल रही है। मैं सिर्फ इस तथ्य को आपके सामने लाना चाहता हूं कि उल्लंघनों का एक लगातार सिलसिला चल रहा है——

सभापति महोदय : डिसकशन के जो प्वाइन्टस हैं उन्हीं तक आप अपने आपको सीमित रखें।

श्री मधु लिमये : किसी बात को संदर्भ से बाहर निकाल कर कोई चर्चा नहीं हो सकती है। यह संदर्भ का प्रश्न है। मेरा सारा समय ये लोग ले रहे हैं।

MR. CHAIRMAN : I have given my ruling that he should confine himself to the subject of the Resolution.

SHRI A. K. M. ISHAQUE : He must be advised to use gentleman's language.

श्री मधु लिमये : सब लोगों ने इसके बारे में कहा है। मेरे ऊपर रोक क्या? इन्होंने कहा, यहां के लोगों ने कहा किसी पर रोक नहीं लगी, मेरे पर रोक क्यों। ये लोग हल्ला कर रहे हैं।

SHRI A. K. M. ISHAQUE : He is stalling the proceedings of the House all the time.

SHRI C. H. MOHAMED KOYA (*Manjeri*): You have no right to interrupt like that... (*Interruptions*).

MR. CHAIRMAN : Nothing will go on record.

(*Interruptions*)

MR. CHAIRMAN : There is no point of order. I have given my ruling. Let him continue now.

श्री मधु लिमये : रेलेवेंस को लेकर अगर इस तरह से गलत व्यवस्था के प्रश्न ये उठायेंगे तो मैं किसी को चलने नहीं दूंगा। लगातार मैं प्वाइन्ट आफ आर्डर उठाता रहूंगा। आए आप मुअत्तल करवाने वाले।** मुझ को ससपेंड कर रहे हैं।

सभापति महोदय : आप चलने दें हाउस को।

श्री मधु लिमये : ये मुझे ससपेंड करने के लिए निकले हैं वे **इन्होंने मुझे धमकी दी है कि आपको ससपेंड करवाएंगे। ये कौन होते हैं?

**Expunged as ordered by the Chair.

सभापति महोदय : आप अपने आपको मोशन तक कनफाइन रखें ।

श्री मधु लिमये : कनफाइन का क्या मतलब है···· (इंटरप्शंज)

सभापति महोदय : इनको आप बोलने दें ।

श्री मधु लिमये : क्या मैं कोई नया सदस्य हूं जो ये मुझे रेलेवेंस के बारे में बता रहे हैं ? (इंटरप्शंज) शट अप ।**

SHRI MD. JAMILURRAHMAN (Kishanganj) : Sir, I rise on a point of order. The hon. Member has used the word ** several times. I want your ruling on this whether this word is parliamentary or not.

सभापति महोदय : ऐसे शब्द रिकार्ड पर नहीं जायेंगे, चाहे वे इस साइड से कहे गये हों और चाहे उस साइड से। कोई अपशब्द या अनपार्लियामेन्टरी वर्ड रिकार्ड पर नहीं जायेगा । **(व्यवधान)** ।

श्री मधु लिमये : मेरा व्यवस्था का प्रश्न है । उन्होंने मुझे कहा कि वह मुझे सस्पेंड करवायेंगे, इसलिए मैंने उनको ** कहा । **(व्यवधान)** ।

सभापति महोदय : मैं रिकार्ड देखूंगा और जो अनपार्लियामेन्टरी वर्ड होगा, उसको निकाल दूंगा। **(व्यवधान)** माननीय सदस्य को बोलने दीजिए। **(व्यवधान)** ।

श्री मधु लिमये : इनकी ससपेन्ड कराने वाली बात भी रिकार्ड से निकाल दीजिए । यह ससपेंड कराने वाले कौन होते हैं ? **(व्यवधान)**

सभापति महोदय : माननीय सदस्य को बोलने दीजिये । **(व्यवधान)** यह उचित नहीं है कि एक माननीय सदस्य भाषण करें और उनको बोलने न दिया जाये।

श्री मधु लिमये : सभापति महोदय, इसमें नीति का एक ही सवाल उठता है कि आज जब हमारे देश में पूंजी का अभाव है, तो क्या पूंजी का एक बहुत बड़ा हिस्सा बीस-पच्चीस करोड़ रुपया इस बेबी कार पर लगाया जा सकता है, चाहे उस को कोई भी बनायें । जिस बेबी कार का इस्तेमाल इस देश के एक प्रतिशत लोग भी कभी नहीं कर पायेंगे , क्या वह ग़रीबों की कार हो सकती है ?

इसमें औचित्य का सवाल यह आता है कि जब इंग्लैंड में लेबर पार्टी के एटली साहब प्रधान मंत्री थे, तो उनकी लड़की शिक्षिका थी । दो साल के बाद भी वह शिक्षिका रही और छ: साल के बाद जब वह अपने पद से हट गये, तब भी वह शिक्षिका थी । लेकिन यदि भारत की परिपाटी का अनुकरण इंग्लैंड में होता, तो कम से कम उसको उपकुलपति वाइस-चांसलर बना दिया जाता ; लेकिन उन्होंने ऐसा नहीं किया । यह इंदिरा गांधी कर सकती है । उन्होंने किया है। इसलिए इसमें यह औचित्य का सवाल है **(व्यवधान)** ।

कानून का लगातार उल्लंघन इसलिए हो रहा है कि एक बड़ी नेत्री का मामला इसमें है, वर्ना ये लोग हल्ला न करते **(व्यवधान)** । श्री बाजपेयी ने कहा कि यह भाई-भतीजावाद का मामला है । मैं उन से सहमत नहीं हूं । यह भाई-भतीजावाद का मामला नहीं है, यह पुत्र-बहूवाद है । **(व्यवधान)**

श्री शंकर दयाल सिंह (चतरा) : मेरा व्यवस्था का प्रश्न है । माननीय सदस्य जो कुछ कह रहे हैं, नियम 352 के अनुसार वह गलत है । हम इस विषय पर बहस कर रहे हैं ,,कि यह सभा औद्योगिक विकास मंत्री श्री सी० सुब्रह्मण्यम, रक्षा उत्पादन राज्य मंत्री , श्री विद्याचरण शुक्ल, न्याय और कम्पनी कार्य मंत्री, श्री एच० आर० गोखले के आचरण पर, जिन्होंने समुचित रक्षा अधिकारियों द्वारा आपत्तियां किये जाने के बावजूद, भारतीय रक्षा संकर्म अधिनियम, 1903 के उपबन्धों तथा उनके

**Expunged as ordered by the Chair.

अधीन बनाये गये नियमों के सम्बन्ध में 22 सितम्बर, 1972, 1 मार्च, 1973 तथा 7 मार्च, 1973 को सभा में दिये गये अपने वक्तव्यों में सभा को गुमराह किया है, खेद व्यक्त करती है।" लेकिन माननीय सदस्य जो बातें कह रहे हैं उनका कोई औचित्य नहीं है और इस विषय से उनका कोई सम्बन्ध भी नहीं है। मैं इस बारे में आपकी रूलिंग चाहता हूं।

सभापति महोदय : मैंने रूलिंग दिया है कि उनको रेजोल्यूशन पर बोलना चाहिए।

श्री मधु लिमये : मैं रेजोल्यूशन पर बोल रहा हूं।

अन्त में मैं यह कहना चाहता हूं कि ये जो कानून के उल्लंघन हो रहे हैं, यदि उनको रोकना है, तो आप इन लोगों से कहिये कि यह जो मारुति की दुम है—आप लंका दहन की कहानी जानते हैं कि मारुति की दुम के कारण लंका का दहन हुआ था—, वह इस सरकार का दहन करने वाली है।

SHRI C. M. STEPHEN (Muvattupuzha): Sir, to me it appears to be a matter for deep regret and tragedy that this session is ending with a debate which is too barren—barren with respect to the purpose, barren with respect to its contents and barren with respect to public interest which is sought to be served. I could not possibly conceive of a debate which is so much devoid of purpose and public interest. If the debate was on Maruti Ltd., I would certainly agree it is a matter of public importance. But we had a full debate for 5 hours on it only in December 1972. Mr. Subramaniam in replying to the debate said:

> "Unfortunately, the movers side-tracked the whole thing and brought in other matters. I welcome it also because a few whispering campaigns have been going on. It is good that it has come up in this House, so that we have an opportunity to say what we have to say with regard to this matter, i.e. with reference to Maruti Ltd. and connected matters."

17.19 hrs.

[MR. SPEAKER *in the Chair*]

So, no round-about effort was necessary to bring up this question on the floor of the House. We had a full discussion and Government spokesmen said what they had to say. There is nothing about which we on this side need feel ashamed. After that discussion, in all propriety that subject should have been taken as closed. It is really surprising that this same matter is being brought up time and again in some form or other. Are you really so barren of a subject to attack the Government? Is this the only stick with which you can attack it? Is our record so clean and wonderful that you do not get any other subject to attack us? Regarding this, we have stated what we have to say and we stand by what we have said.

Shri Subramaniam and other Ministers have time and again come and spelt out the position. I feel there is a measure of unfairness in the motion which my friend, Shri Mishra, has brought forward. Minister or no Minister, all of us are members of this House and all of us take one another for the face value when we state a particular thing.

The motion before us is taking a snowballing process. On the 22nd December a casual question was asked and a casual reply was given. When Shri Subramaniam was speaking about that he said:

> "The main attack has been with regard to the acquisition of land. I wish that the hon. Member had give notice to me broadly this is the policy which he was going to attack—not our policy but the acquisition of land policy—because then I would have got all the facts and figures."

It shows that Shri Subramaniam was not prepared for the sort of question that was put to him. The question was:

> "How about the defence installations? How are they going to take them away?"

The reply was "nothing is being taken away". Now meanings are ebing read into

[Shri C. M. Stephen]

it. In fact, a privilege motion was given notice of. In all fairness, when this notice by Shri Mishra came, he came out with a statement and positively stated :

> "I stated this in a particular perspective. I say I am of the opinion that what has been done is not illegal. This is our point of view about the law. Therefore, there is nothing to recant about it."

It could have been taken at the face value and the subject could have been closed. But that was not what my hon. friend did. He raised it again. Then Shri Gokhale comes here and says clearly that he is putting forward the position of law on the basis of facts mentioned by Shri Shukla. Now on a question of law two points of view are possible. One court decides one way, the appellate court decides in a different way and that is over-ruled by the Supreme Court. In fact, the Supreme Court after some time over-rules its own decisions. So, two points of view are possible. I am not arguing the point of law. The point of law has been spelt out very clearly by the Minister.

Now Shri Mishra's argument is that the point of law given by the Minister is not what he believes to be the law. This is in fact what he says. That is why I say that mutual understanding and respect should prevail between member and member, whether he is a Minister or not, and that is completely lacking here. That is why this motion is being brought forward. Shri Gokhale has aptly replied to him when he said "if my point of view is not acceptable to you, you say that I am misleading the House; suppose your point of view is not acceptable to me, applying the same logic, could I not say that you are misleading the House ?"

Therefore, there is absolutely no substance in the motion before the House. Government give a particular point of view with respect to law. Shri Mishra takes a different view. If there is a difference of opinion, it is a matter to be argued in the Supreme Court. This is not a matter on which the time of the House should be taken. The motion before us is very simple. Maruti need not have been brought in. Whether misleading the House has taken place is a question of opinion. The Minister has splet out again and again that no misleading has taken place and still he persists in his view. It is a matter for deep regret that this is being done. I do not want to elaborate on the question of law. That has been done very ably by the Minister.

It is only a question of morality. After all, what has happened ? Some 420 acres were derequisitioned. They were in the hands of somebody. Out of that 298 acres were given to some other company. Subsequently a question was asked whether they had to respect a particular notification or not. That depends on how you look at this aspect of law; nothing more than that.

Therefore, I submit this debate which has been sponsored by Shri Mishra is absolutely mischievous and is one which a parliamentarian should not have tried to bring in, alleging *mala fide* against three Members of Parliament for the *bona fide* position which they took with regard to a particular point of law. They have explained it. This should have been accepted. If this sort of a thing is to continue, then the parliamentary democracy becomes absolutely impossible. We have got other sticks with which we can beat one another. Let there be a code of conduct between us. Let us accept one another with the face value that when we make a solemn statement on the floor of the House, we accept it. If we are going to question the *bona fides*, the functioning of Parliament is absolutely impossible.

Sir, you gave a ruling which must be written down in golden letters. When the matter was brought up by Mr. Mishra on the floor of the House, you said that when this question comes up, whether there is misleading or not, and when the statement is made, the convention is that the statement must be accepted and the chapter must be closed. That advice has been disregarded. A day has been consumed for no purpose whatsoever. No public interest is being served. A debate which is completely barren has taken place. One may have vindictiveness. But vindictiveness only on a barren ground is something which is self-detracing. If they have nothing else to beat Government with, if this is the only thing left, they will stand condemned before the public view.

Sir, the very fact that day after day, hour after hour and week after week, Mr. Mishra

and some of his friends are moving up this issue speaks volumes before the people. What they speak out shows that the Government have a good record and that so much so, these people have nothing else to attack the Government. I thank Mr. Mishra for his conduct in straightening the record of the Government, that the Government have a good record. by bringing forward this barren motion before the House. I oppose this motion and, I submit, this motion has to be rejected completely.

SHRI MOHANRAJ KALINGARAYAR (Pollachi) : Mr. Speaker, Sir, as Mr. Piloo Mody has said, the last day of the session, specially at this hour having full quorum shows the importance attached to the motion brought up by Shri Shyamnandan Mishra. He has brought forward this motion because the three Ministers, Shri C. Subramaniam, the Minister of Industrial Development, Shri Vidya Charan Shukla, the Minister of Defence Production and Shri Gokhale, the Minister of Law have misled the House by saying that there has been no infringment of law, rules and regulations framed by the Ministry of Defence in regard to the Maruti project and that no objection has been taken by the Defence installation authorities....

MR. SPEAKER : May I tell you that your time was already taken by Mr. Piloo Mody ? But I am giving you time. Don't take much time.

SHRI MOHANRAJ KALINGARAYAR: I did not give my time to anyone.

MR. SPEAKER : The time allotted to Opposition is exhausted.

SHRI MOHANRAJ KALINGARAYAR: The Minister gives an answer without knowing that on March 11, 1971, the Commanding Officer of the Ammunition Depot at Gurgaon was prepared to authenticate the letter objecting to the acquisition of land on the ground that it contravenes the restrictions imposed by the Defence Ministry's circular dated August 13, 1956. This shows how the Ministers and the Government with all the proper information and the machinery at their command answer questions like this in Parliament. It shows how interested they are. Is it because we the Opposition Members are very few in number? What practice they are following I would like to know.

At the time of the birth of this small car project, one should notice, the Minister often mentioned in this House—hon. Minister, Shri C. Subramaniam—that it would come in the public sector and not in the private sector. Many times he has mentioned this in the House. When that was announced, many foreign companies opted for collaboration. But what happened? There was a sudden change. Suddenly it came out that it was the Prime Minister's son who was going to start this small car project and it was he who was going to get the letter of intent. We were surprised. The Minister said that we should not discourage a young, energetic engineer coming out with some indigenous production. Of course, we should encourage. But there are 20,000 to 30,000—I may even be underestimating the number—engineering graduates in petrol bunks pouring petrol. Why was only the Prime Minister's son recognised? (*Interruption*) Do not tell me that the Prime Minister's son is the only engineering graduate. There are 70,000 to 80,000 engineering graduates who are unemployed. They had come out with indigenous projects. They were accepted by the Government but were kept in the cold storage. If you want to give chance to young people, you have to give chance to those people. You are not utilising them.

From yesterday's paper I find that Mr. Sanjay Gandhi has got ten shares of Rs. 100 each. People who are shareholders to the extent of Rs. 10,000 and above—there are 90 of them in that—have been given the change. There is a Monopoly Commission and Government say that they want to wipe out the monopoly houses. But, at the same time, it is they who are indirectly helping these people in this project.

Take, for instance, acquiring of land. Here the objection of Defence was overruled. They did not worry about the Defence rules because they are in power. They have the Defence Minister with them, the Law Minister with them; they have everything in their hands. (*Interruptions*) When land was sold at a very high rate, I do not know how Mr. Sanjay Gandhi got land at a very low price. Not only that, in the same area, as Mr. Jyotirmoy Bosu pointed out a farmer could not even dig a well; it was objected to. But how is it that this industry has come up there? Do

[Shri Mohanraj Kalingarayar]

not tell me that they are ignorant of Maruti having been given land there. The main thing that is behind this is, it was done because it was Prime Minister's son. And he has gone through all those things without any difficulty. He has got all the help, even in violation of the rules. Now the Law Minister has argued his point. We do not agree with him. The hon. Member, Shri Mishraji, has given the full facts and figures and Haryana is also going through a power cut and for new industries they do not give power at all and so many industries have closed down due to this power cut and all their investments have gone waste and they have become paupers. But this project has come up just a year ago. At that time also there was power cut but they have given him 500 Kva of power. Do you think that any one other than the Prime Minister's son could have got it? It is impossible.

The Minister, Shri C. Subramaniam said that one day the car was brought to him, and that he had a ride in it and he said that the car was in a very good condition. He said, 'I will give you the licence. Go ahead with the project'. He gave a statement saying that this car was completely indigenous, but what proof is there? Was the Minister watching what he was doing?

Before I conclude—I do not want to take much of your time.

AN HON. MEMBER: Please conclude.

SHRI MOHANRAJ KALINGARAYAR: Before I conclude, the motion against these three Ministers should be sent to a committee consisting of members of Parliament. I think this is serious issue and we should go through it in a proper way and give guidance to our country and also to save democracy in this country.

MR. SPEAKER: Shri Vidya Charan Shukla.

SHRI MADHU LIMAYE: On a point of order.

MR. SPEAKER: I have called the Minister.

श्री मधु लिमये : अध्यक्ष महोदय, आप वेरेस नहीं थे, आपकी गैर-हाजरी में इस प्रश्न का निर्णय नहीं हो पाया। मैं इनको बीच में टोकना नहीं चाहता . . .।

अध्यक्ष महोदय : इस वक्त नहीं।

श्री मधु लिमये : इस बहस को आगे चलाना चाहते हैं तो जो मुद्दा मैं उपस्थित कर रहा हूं, उस पर निर्णय करना होगा। आप उस समय नहीं थे, इसलिये उसके बारे में नहीं जानते हैं।

MR. SPEAKER: I have called him. I cannot ask him to sit down.

श्री मधु लिमये : मैं व्यवस्था का प्रश्न उठा रहा हूं, क्या आप उसको नहीं सुनेंगे।

अध्यक्ष महोदय : किस बात को सुनूं।

श्री मधु लिमये : जो बहस चल रही है, उस पर मैंने उठाया है।

MR. SPEAKER: The Minister has already been called.

श्री मधु लिमये : क्या मेरे व्यवस्था के के सवाल का मंत्री साहब जवाब देंगे। आप उस पर निर्णय दीजिये। अभी सुरक्षा मंत्री बहस का जवाब देंगे—उसके बारे में मेरा प्वाइन्ट आफ आर्डर है।

MR. SPEAKER: I see from the List that you have already spoken.

श्री मधु लिमये : अध्यक्ष महोदय, मैं बोलने के लिए खड़ा नहीं हूं।

अध्यक्ष महोदय : आपने जो कहना था वह कह लिया, अब क्यों खड़े हैं।

श्री मधु लिमये : मेरा प्वाइन्ट आफ आर्डर है, मैं कोई भाषण नहीं देना चाहता हूं। (**व्यवधान**) । यहां पर यह क्या चलता है, मेरी समझ में नहीं आता। मैं कह रहा हूं मैं भाषण नहीं कर रहा हूं, मेरा प्वाइन्ट आफ आर्डर है।

अध्यक्ष महोदय : प्वाइन्ट आफ आर्डर है तो कहिये।

श्री मधु लिमये : आप यहां पर नहीं थे इसलिए दोबारा कहना पड़ रहा है।

अध्यक्ष महोदय बहुत सीधा-सादा सवाल है, कि श्री श्यामनन्दन मिश्र जी के द्वारा एक गुप्त दस्तावेज, शायद आपकी इजाजत से, सदन की मेज पर रखा गया है और उसके बारे में श्री जगजीवन राम जी ने जो पत्र एक संसद-सदस्य को लिखा है उसमें वे लिखते हैं :—

"I would like to point out that Shri Mishraji's copy is different from the original and is available on the official records. There are material differences between the original and this copy."

अब यह बहस दस्तावेज पर आधारित है। तो मैं इस पर आपका निर्णय चाहता हूँ।

SHRI SHYAMNANDAN MISHRA: I have the letter to Shri Tyagi and I would point out later how there has been tampering. I shall produce that letter.

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): When the Deputy-Speaker was in the Chair, this matter was raised, and he said that he would look into it.

MR. SPEAKER: The hon. Member suddenly pops up and raises a point of order and then asks the hon. Minister to reply to it suddenly on the spot. When the Deputy-Speaker had already given his ruling on it, why does he ask me again to give my ruling on it? The Deputy-Speaker has already said that he would look into it. What is the matter then?

श्री मधु लिमये : उन्होंने अस्वीकार नहीं किया है।

MR. SPEAKER: If he suddenlv comes forward with something and asks the hon. Minister to come out with a reply then and there, it is impossible. Now, the hon. Minister.

श्री मधु लिमये : कब होगा, इसका जवाब होने के बाद ?

मन्त्री महोदय के उत्तर और श्री श्याम नन्दन मिश्र जी के उत्तर के पहले यह दस्तावेज सदन की जानकारी के लिए और जांच पड़ताल के लिए आय, इसके अतिरिक्त मैं और कौन-सी बात कह रहा हूं। (व्यवधान) तो क्या इस पत्र की कापी आप रखेंगे ? फिर बहस कैसे होगी।

श्री शंकरदयाल सिंह : पहले आप मंत्री जी को सुन लीजिए, उसके बाद मामला उठाइये।

अध्यक्ष महोदय : आप दोनों एक वक्त क्यों खड़े हो जाते हैं।

Shri Vidya Charan Shukla.

THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI VIDYA CHARAN SHUKLA): My work has been lightened considerably because of the intervention made by the hon. Minister of Law and Justice, Shri H. R. Gokhale and Shri C. Subramaniam, the Minister of Industrial Development. Therefore, I do not wish to go into the points of law that Shri Shyamnandan Mishra had raised regarding this particular point.

I would only briefly trace how this matter came before the House, and I shall also refer to the letter that the hon. Member had written and about which he made a complaint that the reply to it was not sent to him in good time.

SHRI SHYAMNANDAN MISHRA: It had taken six months.

SHRI VIDYA CHARAN SHUKLA: This matter was raised in a debate on 22nd December last year on the question of manufacture of cars. During this debate, some allegations were made about alleged irregularities in land acquisition and alleged violation of Ministry of Defence's orders. The Minister of Industrial Development who was dealing with the debate while replying to the debate said that no irregularities had been committed, and they had not come to his notice and in case any irregularities had been committed, if those irregularities were brought to his notice with proper documentation, he shall certainly look into the matter. At this point, Shri Shyamnandan Mishra interjected and asked 'What about the defence depot and what about the defence land near Gurgaon depot?'. At that time, I got up and

[Shri Vidya Charan Shukla]

made a statement. He had asked: "Is that not being shifted?" I said 'Nothing is to be taken away'. These are the words I used, and then I added 'There is no objection from them'.

On this basis, a motion was brought before the House and you directed me to make a statement. When I made the statement, I clearly stated what I meant by saying all this because I had spoken only two short sentences. In the statement, I went extensively over the whole matter. I stated there was no shifting of defence installations and we have again confirmed it. When reading out from the *Motherland*, Shri Mishra again raised the question and said defence installations are being shifted. We have again emphatically denied it.

SHRI SHYAMNANDAN MISHRA: It is in another context.

SHRI VIDYA CHARAN SHUKLA: No question of shifting of any defence installations which at present exist there.

At that time, I also said we are not going to shift anything and there is no objection from them to continue there. This is what I said in my main statement. Now this statement has been twisted to get all kinds of meaning out of it, even though it was a very clear and straightforward statement I had made.

After this, many legal questions have been raised. But I will straigtway go to the main question Shri Mishra has been agitating. As far as I have been able to understand him, his main case or argument is based on the point that the army ammunition depot of 1962 and the air force ammunition depot of today are not separate, are one and the same thing in the same continuation.

SHRI SHYAMNANDAN MISHRA: No, no; joint sharing by both.

SHRI VIDYA CHARAN SHUKLA: That is a separate question altogether. He has been maintaining that there has been a continuity in the entire thing and there has been no break in this. This is the crux of his argument. My main reply in this debate is going to disprove this theory of his that there has been any continuity in the two ammunition depots.

It has been stated that this army ammunition depot was shifted out of Gurgaon in 1966, and after such shifting, MES took over the installation and then after a few months, the air force storage space, ASP 54, was established there, and that is the present installation. When this ASP 54 was established there, no question of issuing a fresh notification arose because we presumed that the 1962 notification was still valid at that time. But in 1968, when part of this area in command of this particular depot was derequisitioned and was handed over to certain private parties after derequisitioning, as the Law Minister stated, the topography and the entire geography of the area changed and, therefore, according to the law, another map to scale had to be prepared and other consequential action laid down in the law had to be followed. Therefore, it was decided to issue another notification.

Here Shri Mishra has produced a letter purporting to be from the Commander of the Air Force Station. I am really greatly surprised that a responsible member like Shri Mishra should do a thing like this, in playing a kind of trick that we are not accustomed to. Here I want to read out the differences between the letter in our official records and the letter produced by him before you purporting to be a true copy of the letter which is in the official file. First, I will read the differences or alterations that have been made by Shri Mishra in the letter before that letter had been sent to you. We have already sent all the documents to you. Therefore, I will only bring here the material differences that were made in the official document by Shri Mishra before it was put before the House and you. I will also quote what he said while he was presenting them. He had said that "I am prepared to authenticate this letter and I am prepared to stand by that letter." Here, I am alleging with a full sense of responsibility, that not only did he mutilate that letter but he deliberately omitted, removed several things—(*Interruptions*)

SHRI SHYAMNANDAN MISHRA: You are tampering with the records. That is what I have told the House in the beginning. You are tampering with the records. I made that allegation right in the

beginning, that you are tampering with the records. I stand by what I said. I will go before the Privileges Committee; or let a Committee be appointed. No Minister can be allowed to make such an allegation. I am prepared to go before the Privileges Committee, or you please expunge his remark. (*Interruption*)

SHRI VIDYA CHARAN SHUKLA: Please listen to others also. I want to submit to you, Sir—

SHRI P. M. MEHTA (Bhavnagar): Sir, a point of order. The hon. Minister is referring to a document which is not made available to the House for comparison. Therefore, there is a controversy now as to which document is correct. Therefore, first, the document should be laid on the Table, and then, let the House go through the debate.

MR. SPEAKER: Let the Minister reply. You lay it on the Table of the House.

SHRI VIDYA CHARAN SHUKLA: Here, I want to point out to you the difficulties, and I would request the hon. Members, Mr. Mishra, and Mr. Jyotirmoy Bosu, to be a little patient even though it might hurt them. (*Interruptions*) I did not interrupt you when you were speaking. I listened to you absolutely peacefully and patiently. Therefore, I expect the same conduct from you. You will have your chance to reply to this debate. You can say whatever you wish to say later on, subject to permission being given to you by the Speaker.

SHRI JYOTIRMOY BOSU: Sir, what about laying it on the Table?

MR. SPEAKER: I have asked him to lay it on the Table.

SHRI VIDYA CHARAN SHUKLA: Everything will be laid on the Table of the House. There would be no difficulty in that.

SHRI P. M. MEHTA: You have asked Mr. Mishra to lay the document on the Table. In the same way, please ask the Minister to lay it on the Table of the House.

SHRI VIDYA CHARAN SHUKLA: Whatever the Speaker directs, I shall lay it on the Table.

MR. SPEAKER: I am told that Mr. Mishra has not yet laid it on the Table. When he lays it, you will also lay it on the Table.

SHRI VIDYA CHARAN SHUKLA: I want to mention here the portions that have been eliminated or that have been removed or that have been distorted from the original letter by Mr. Mishra before bringing it before you; we have get the letter under the signature of Mr P. K. Patnaik, Joint Secretary in the Lok Sabha Secretariat. I am going to read out that letter before you and I wish to point out before you the discrepancy in the letter.

The first thing is this; in the letter that has been given to you by Mr. Mishra here—I have get a copy from the Lok Sabha Secretariat with me—he has eliminated the word "Secret" first. Then, he has eliminated the word—(*Interruptions*)

Today you have given; but that day you did not. Today you read out; even today you have tried to hide several other things that are presented in the original letter.

MR. SPEAKER: Will you lay this letter today?

SHRI SHYAMNANDAN MISHRA: After I have used it.

SHRI VIDYA CHARAN SHUKLA: Mr. Mishra has eliminated again the words "No. 54 ASP". I will come to the significance of these words later on how by eliminating them he is trying to buttress his case, that it is the same Air Force depot same Army depot which is continuing in the name of the Air Force. That is why he has eliminated all these awkward things in that letter which went against him: "No. 54 ASP C/o 56 APO." He eliminated: Today he was forced to read this. He read it. In the letter that Mr. Mishra has sent to you, the heading is given as: "acquisition of land—ammunition depot—Gurgaon" In our records, it is mentioned, that is the heading, as follows: "acquisition of land—No. 54 ASP" Mr. Mishra deliberately omitted "No. 54 ASP". The third instance of mutilation of this official document in the hands of Mr. Mishra is as follows. In para 1 of Mr.

[Shri Vidya Charan Shukla]

Mishra copy, the date of the Air Headquarters' letter is given us 17th April, 1968". In the original letter which is with us, the letter is dated 17th April, 1966. Mr. Mishra in his wisdom has advanced the date of this letter by two years.

SHRI SHYAMNANDAN MISHRA: It is a typographical error

SHRI VIDYA CHARAN SHUKLA: These are matters of record. It will prove the truth. You will have an opportunity of going through all these records again. Let me make the entire matter clear. In line 2 para 2: Mr. Mishra's copy has stated "State has acquired certain lands around this depot". In the original letter in the records of the Defence Ministry the words "This depot" do not exist, in the place of "this depot" what is written is "No 54 ASP" Again Mr Mishra has omitted this uncomfortable reference to No. 54 ASP and put 'this depot' 'This depot" can mean Army or Air Force depot. He has been sedulously eliminating the description of "54 ASP" and substituting it by the expression "this depot". Again another instance of forgery, if I may say so, in Mr. Mishra's copy... (*Interruptions*)

SHRI JYOTIRMOY BOSU: On a point or order. This should be expugned... (*Interruptions*)

18.00 HRS.

SHRI VIDYA CHARAN SHUKLA: The next instance is that in this letter which has been produced before the House, in Shri Mishra's copy which has been given to you, the last sentence of para 2 is completely omitted while it is there in the original. This sentence reads as follows:—

"A copy of this Notification is enclosed for your ready reference".

This is also not in Shri Mishra's letter which has been put before this honourable House. Next instance is that in line 5 of para 3, in Shri Mishra's copy, the words "copy enclosed" are missing which are existing in the original. Again, the next instance, after elimination of the uncomfortable sentence from the letter that has been produced before the House on which he has based his entire case is that in the concluding para, whereas in the original it has been described as 'Squadron Leader', in Shri Mishra's copy it reads as 'Commanding Officer'. I will now come to the significance of this omission. I wish to emphasise before this honourable House that these changes in Shri Mishra's copy are not without significance.

SHRI B. P. MAURYA: A serious offence has been committed by the hon. Member of this House.

SHRI VIDYA CHARAN SHUKLA: Whereas the original letter referred to the 'Air Force Unit' as 'No. 54, A.S.P.' Shri Mishra changes it to the 'Ammunition Depot, Gurgaon'. He changed 'Squadron Leader' to 'Commanding Officer'. This would also indicate that when it was referred to in this letter as 'Ammunition Depot', they had actually referred to No. 54 A.S.P. unit of the Air Force. And this was what he had in mind. In my opinion, when he changed the designation of the Officer who really signed this letter, it was with the help of these changes that he sought to establish that the Ammunition Depot which was the subject of the 1962 Declaration continued to exist at the site in question. But for these changes in the copy of the letter produced by Shri Mishra, the letter would refer to the Air Force Unit No. 54, A.S.P. which is the subject of the 1969 declaration. And as I explained earlier, it is an entirely different installation from the army ammunition depot which was disbanded in 1966. That is how the hon. Member and the other colleagues have tried to build up an absolutely false case over an official document with the changes and they had tenacity to bring it before the House in this forged condition. As I was referring, at the time when he spoke on the 23rd February, Shri Mishra referred to this document as follows I quote:

"This document which is in my possession I am prepared to authenticate and I place it on the Table of the House"

This is what Shri Mishra has said about this particular letter.

If you ask me, I shall read out that letter which was sent to you by Shri Mishra along with his notice of a privilege motion. The original letter has already been sent to you. Instead of taking the time of the

House, I would request you to go through the letter that was sent by Shri Mishra and the receipted document sent to you by us.

The question that is to be decided is whether such things can be permitted in this House where a case is sought to be built completely on false premises and over this all kinds of pious wishes have been expressed This is the main thing I wanted to bring to your kind notice and the notice of the House.

I would like to state in brief that the 1962 ammunition depot which belonged to the Army was disbanded in 1966 and a new ASP 54 belonging to the Air Force was established. Therefore, there was no connection between the two and the notification which was issued, for the reasons that have been explained by the Law Minister, was inoperative. Therefore, there was no question of infringement. All other cases that have been built up by various speakers are completely unfounded. I want to deny all these insinuations that have been made by the members opposite that all this has been done to benefit a private individual and no action has been taken because that individual happened to be highly connected. It is completely wrong. There is nothing like that. We have taken action to investigate into the matter as to how these lapses occurred and the Defence Minister has already written to one of the Members of Parliament, Shri Mahavir Tyagi—it has been quoted also—that he is personally looking into this matter and is trying to find out how this took place. We will also take corrective action whenever and wherever necessary. Therefore, I deny the imputations that have been made.

An allegation was made about the Defence Ministry that we are trying to persecute this Commanding Officer for having divulged the information. This is absolutely false and mischievous. The irresponsibility of some of the leaders of the opposition knows no bounds. Indeed they have even tried to drag the Chief of Air Staff into the controversy. They have alleged, completely falsely and absolutely without basis that he has been brought in to white-wash this fact. This is absurd and completely irresponsible. Such people who are serving the country with the highest integrity and loyalty should not be dragged into such dirty politics. Such irresponsible remarks should not be made over such officers.

Mr. Jyotirmoy Bosu was concerned about the defence of Greater Delhi. May I assure him that the defence of Greater Delhi is absolutely safe in our hands and he need not bother about it?

Another imputation was made that some technicians trained in HAL have been brought to work in Maruti Ltd. This has already been denied officially in this House. Since they have repeated it, I wish to deny it again.

Lastly, the integrity of these gentlemen sitting opposite—if they can be called gentlemen—should be looked into by you, Shri. If they can bring such false documents, you should take a serious note of the matter and look into their conduct. For meeting their narrow political ends and to defame the leadership of the ruling party, they can stoop to any low depth and adopt any method to achiev their aims. Therefore, this particular matter will have to be investigated by you and I hope you will look into these matters which I have brought to your notice.

MR. SPEAKER: Shri Mishra.

SHRI R. S. PANDEY: Sir, let him first explain the forgery. The paper was forged and fabricated. Some cheap tactics and tricks were indulged in.

SHRI PILOO MODY: Now Maruti is white-washed.

SHRI SHYAMNANDAN MISHRA: Sir, I have told you in the beginning that some tampering was done with some official documents. Why did I mention that? Now I am giving you proof how it is so... (*Interruptions*)

MR. SPEAKER: Order, order. Unless you all sit down, he will not speak.

SHRI SHYAMNANDAN MISHRA: Sir, now I have been proved right and here are the proofs.

श्री बी० पी० मौर्य : मिश्र जी घबरा गये हैं ।

श्री श्यामनन्दन मिश्र : घबराना तो आपको होगा । प्राइम मिनिस्टर को चुल्लू

[श्री श्यामनन्दन मिश्र]

भर पानी में डूब मर जाना चाहिए। (व्यवधान)

MR. SPEAKER: It is not in good taste.

SHRI C. M. STEPHEN: Sir, this House has no respect for him absolutely. After having committed forgery... (*Interruptions*)

MR. SPEAKER: The language used by him was not in good taste. I appeal to both sides not to use such language... (*Interruptions*)

श्री बी० पी० मौर्य: अध्यक्ष महोदय, श्री मिश्र ने जो शब्द कहे हैं, वह उनको वापिस लें और माफी मांगें। उन्होंने बहुत गिरे हुए और गन्दे शब्द कहे हैं। आप उनसे अपने शब्द वापिस लेने और माफी मांगने के लिए कहें। (व्यवधान)।

MR. SPEAKER: How can I maintain order when he uses such language?

SHRI SHYAMNANDAN MISHRA: There is nothing unparliamentary about it. We also know parliamentary practice.

MR. SPEAKER: Don't irritate each other; don't annoy each other. (*Interruptions*)

SHRI SHYAMNANDAN MISHRA: You call the House to order first.

MR. SPEAKER: If you will not use moderate language, naturally, there is bound to be disorder. (*Interruptions*)

श्री बी० पी० मौर्य: अध्यक्ष, महोदय, श्री मिश्र ने कहा है कि प्रधान मंत्री को चुल्लू भर पानी में मर जाना चाहिए। वह सदन की नेता हैं। माननीय सदस्य अपने शब्द वापिस लें, वर्ना हम उनको बोलने नहीं देंगे। आप हमें उस के लिए सज़ा दे सकते हैं। चुल्लू भर पानी में उन को डूब मर जाना चाहिए, जो जालसाज़ी करते हैं। (व्यवधान)

MR. SPEAKER: I am asking Mr. Mishra to continue. He is not getting up, If Mr. Mishra wants to speak, he can get up. Otherwise, I will put this Motion to the vote of the House.

SHRI SHYAMNANDAN MISHRA: You restore the order in the House first. (*Interruptions*)

MR. SPEAKER: He used a language which was annoying and irritating. But it is not unparliamentary. It was irritating and annoying but it is not unparliamentary.

SHRI SHYAMNANDAN MISHRA: Sir, here is a proof that the Minister has tampered with that letter and the proof is conclusive. I have given you the letter in a form which I thought advisable, not giving "Secret" at the top and son on. That was in the month of February. What did the Minister say in his relply? There was ample opportunity available to the Minister to contradict that. "it does not tally with the original that I have on my file". What did he say when he participated in the debate? Therefore, I say it is *ex post facto* a second thought given and this is now as a result of the tampering with the document that I have produced. Here are his words. Do those words indicate that there is any difference between the letter which I have produced and the letter which he has on his file? Here it is:

> "The letter dated 11th March, 1971 of the Officer Commanding, Airforce Unit, now produced by Shri S. N. Mishra does not pertain to the declaration of 11-1-69 It refers to the restrictions imposed under the Indian Works of Defence Act, ..."

He does not say that this date is wrong. The date given is 11-1-69. I stick to the date. This is the date which is also confirmed by Shri Jagjivan Ram, the Defence Minister of India in his reply to the letter of Shri Jyotirmoy Bosu. The date was not contradicted earlier; the date was confirmed. The letter was not contradicted earlier; the letter was confirmed. That was confirmed not only by the Minister of Defence Production in his reply when he participated in the debate on the 1st March but also by the letter of the Defence Minister, Shri Jagjivan Ram, in his reply to the letter of Shri Jyotirmoy Bosu. There had been ample opportunities. It was not required that the Minister should contradict that letter only when one Mr. Mahavir Tyagi writes a letter to him. It should have been contradicted by him earlier also. This

is the most cruical document to determine the case in this matter...

SHRI JAGJIVAN RAM: On a question of fact. In my reply to him I have pointed out the discrepancy between the letter submitted by him and the original letter.

SHRI SHYAMNANDAN MISHRA: The point is that the document produced by me was confirmed by them earlier and here I have read...

MR. SPEAKER: He has already said something..

SHRI SHYAMNANDAN MISHRA: Is the Speaker participating in the debate?

अध्यक्ष महोदय : मेरे पास तो जो आप का लैटर है मैं उस की बात कर रहा हूं .. (**व्यवधान**) ..आपको तो लगता है कि सब कुछ आपके खिलाफ है, मैं तो अपनी बात कर रहा हूं कि जो मेरे पास है वह यह है ।

SHRI SHYAMANANDAN MISHRA: जरा धैर्य से काम लीजिए ।

I have told you that this is what the Minister of Defence Production himself said on the 1st of March, and he has not said anything contradicting the document which I had produced. And Shri Jagjivan Ram also, in his letter to Shri Jyotirmoy Bosu, has referred to that. He has said:

> "Kindly refer to your letters No. 53/1973 and No. 63/1973 regarding the action taken on the letter dated 11-3-1971 from the Officer Commanding, 54 ASP.."

Now he contradicts that there was no Officer Commanding. But the letter of Shri Jagjivan Ram repeated 'Officer Commanding'. So, the contradiction does not hold good. Even with regard to date, it was confirmed. Earlier in his statement, he has confirmed; Shri Jagjivan Ram, in his letter, has confirmed. Shri Jagjivan Ram has also confirmed that his designation was Officer Commanding. He has not said that it was Squadron Leader. These are the two documents that I would produce to show that this is an afterthought and, therefore, there had been tampering.. (*Interruptions*) Otherwise, would you not ask the Minister what he had been doing for the last three months? If that document was palpably in contradiction with the document that exists on your file, you should have come before the House and you should have put me in the dock.

Now I come to another point. Some contradictions have been pointed out between the two letters. May I say that there are no material contradictions even in the way in which they have tried to manipulate the letter? There are no basic contradictions. What is the basic contradiction? About the date, I have already told you. Then, the point is that the Officer Commanding had said that it would constitute a risk to the Explosives Depot and the Air Field. That is the kernel of the whole letter. Where is the material difference? He has not contradicted that the Commanding Officer did say that there was a risk to the security of the Explosives depot and Air Force field. Now, Mr. Speaker, he has tried to say that I have substituted in places where 54 ASP occurs, the word 'Depot'. Can anybody in the world suggest that Shyamnandan Mishra has got that much of knowledge about the situation there that he can substitute one word for the other and so on? Also, they don't know what is the mistake they are committing and how they are misleading the House? The declaration of 1969 speaks of the Air Force unit at 54 ASP. That does not speak of the Air Force unit 54 ASP. That is completely wrong. So far as the unit at 54 ASP is concerned that will require at least some amount of intelligence to understand what the difference is. And here, Mr. Shukla himself has been repeating the word 'depot' in the note he has sent to you and forwarded to me and also in his speech he has been using the word 'depot' all the time—'Air Force depot'. Here are the words used by Mr. Shukla even in his statement on the first of March—he has used the word 'Air Force Depot'. He has never used the word '54 ASP', at no point of time did he use the word '54 ASP.. (*Interruptions*). Just understand all this. I will go in my own way. So this '54 ASP' also seems to be a belated interpolation. He had never used that word earlier.

Then my submission is that the substance of the remarks of the Commanding Officer is not contradicted—that it would constitute a great risk to the security of the Air Force

[Shri Shyamnandan Mishra]

letter stands completely intact. They have not the courage to substitute for 'explosives depot', '54 ASP'. Here, the word 'depot' could not be erased. The words that occur are 'explosive depot and 'explosives depot' means the ammunitions depot. What else does it mean? There, they have not been able to erase that. There, they have not been able to replace it by '54 ASP'. So, I ask you as to where is the difference between the two letters.

The difference that is sought to be made out is that I did not earlier show which Squadron Leader has said that. I did not. At that point of time nobody could have given you a document saying that it is secret and all that right on the top. In the main body I have not changed anything at all.

The thing I gave you today—I stand by every word that occurs there and if the document I have produced is to be proved wrong, let it be decided by the Privileges Committee. I will go before the Privileges Committee. Even earlier I had made this offer that if I am to be proved wrong, I am prepared to go before the Privileges. Committee. That is on record. That I have said earlier. But if these people think that they are right and I am wrong, that I am misinterpreting things and that I am quoting a document that is not correct and so on, them my case should be referred to the Privileges Committee... (*Interruptions*)

The point I ask you in all humility is whether the Chair should approve of the word 'forgery' I ask: who has forged now? I will not use that word. I have said advisedly that there is a 'tampering' with the records. I have used that word; I have never used any word which may be considered to be unparliamentary. Now, the Minister with a great guste, flair and gumption and with the approval of the Chair, was using that word 'forgery' and the Chair was not ...

MR. SPEAKER: 'Forgery' is unparliamentary? Or what is it?

SHRI SHYAMNANDAN MISHRA: Yes, unparliamentary, if it relates to a Member. (*Interruptions*)

Would you allow it to be used against you, Mr. Speaker?

MR. SPEAKER: If it is thought to be unparliamentary, I shall see to it, but I do not think that it is unparliamentary.

SHRI PILOO MODY: We do not have fragile skins.

SHRI JYOTIRMOY BOSU: It is defamatory and under the particular provision of the rules, that should be expunged.

SHRI PILOO MODY: Forgers can be Members of Parliament? Is that the correct interpretation?

MR. SPEAKER: In what sense did the hon. Minister use it?

SOME HON. MEMBERS: It is on record already.

SHRI VIDYA CHARAN SHUKLA: It was obvious when I was saying this, that I was referring to the changes that were made in the secret document of the Defence Ministry by the hon. Member. I used this word to describe the tampering that he had done with the secret document.

SHRI R. S. PANDEY: Please give your ruling on this.

MR. SPEAKER: In my opinion, I think —if I am wrong, I am prepared to own it—...

SHRI PILOO MODY: You better tamper with the parliamentary records also tonight before the morning debate comes out.

MR. SPEAKER: He had used it in the case of a document. But it is still a document which was produced by a Member; ultimately it is attributable to the Member. The proper words should have been 'tampering with', and I agree with Shri Shyamnandan Mishra that it should not have been used hat is he word 'forgery' in relation to a Member.

SHRI B. P. MAURYA: He had used the words 'forged document'.

MR. SPEAKER: No, no ... If he had said it in the case of a document, it is all right, but if it is ultimately referable to a Member, then I think that this is not a proper word. The proper words should have been 'tampering with'. He is right there, and I agree with him.

SHRI SHYAMNANDAN MISHRA: I have been using these words...

SHRI H. N. MUKERJEE: He should withdraw that expression.

MR. SPEAKER; The word 'forgery' is in my opinion, when referred to in the case of a Member, unparliamentary.

Shri H. N. MUKHERJEE: He should withdraw the expression.

MR. SPEAKER: In respect of a document it is all right, but if it is directly connected with the Member, then I am sorry that it is not parliamentary.

SHRI VIDYA CHARAN SHUKLA: May I make a submission? I have used this word in relation to a document.

SHRI K. S. CHAVDA: It is there on record already.

SHRI VIDYA CHARAN SHUKLA: I was describing to the House and to you, Sir, the changes that were made deliberately by the hon. Member, knowing what was there, and this sort of tampering with that, I have described as forgery, because in legal parlance, any changes made when Shri Shyamnandan Mishra was offering to authenticate that letter which was originally sent to you, saying 'I am prepared to authenticate it as a true copy of that particular secret document of the Defence Ministry and put it before the House', would tantamount to that; I am trying to prove from my own records, that is, from the Defence Ministry's record that if there are material changes which have been made by the hon. Member deliberately, in legal parlance, I would say that such tampering is described as forgery. Even if one word, a comma or a fullstop is changed which makes a material change in the entire nature of the document, then it is tantamount to forgery. Forgery does not mean stamping something and putting in new lines or new words or eliminating a few words but something which can change the entire meaning of the document. Therefore, in relation to the document, when I said 'forgery', it was definitely intended to mean tampering with the document which in legal parlance is described an forgery. (*Interruptions*)

MR. SPEAKER: I am not going to allow any debate on this. I feel...

SHRI JYOTIRMOY BOSU: He should withdraw it.

MR. SPEAKER: He is already saying it that he is withdrawing it. He says it. But let it be clear that in the case of a document it is all right. But in case it connects a Member with it, I think it is not proper, I accept this suggestion that it should be declared unparliamentary which he has already withdrawn.

SHRI PILOO MODY: Kindly see that the records of Parliament are not tampered with.

SHRI H. N. MUKERJEE: Shri Mishra has made an offer that if anything is shown to be proved that he has done a forgery, as he chooses to call it—even now he is continuing to adhere to that expression—he has offered to appear before the Privileges Committee. If Government had the guts, they could get him across to some other court. Otherwise, to have this kind of thing on the record is absolutely reprehensible. You must have him either withdraw it or do something about it. You must protect Members. (*Interruptions*).

MR. SPEAKER: I am sorry. I also feel that in case it refers to a member, it should not have come. It is not parliamentary. You can say it in reference to documents and all that.

So it comes to the same. I must say that Shri Mishra is right in that. I am very sorry for that.

SHRI H. N. MUKERJEE: What happens to the matter of fact? Who has forged what?

श्री राम सहाय पाण्डे: अध्यक्ष जी, आप के पास जो डाक्यूमेन्ट श्री मिश्र जी ने भेजा है, उसमें सीक्रट शब्द लिखा है, क्या? अभी मिश्रा जी ने अपने भाषण में यह कहा कि जो डाक्यूमेन्ट उन को मिला, उसके ऊपर सीक्रट लिखा हुआ था और वह डाक्यूमेन्ट जो आप के पास भेजा है, उसी में सीक्रट निकाल दिया है—इसको आप क्या कहेंगे

श्री श्यामनन्दन मिश्र: हम किस स्टेज पर देंगे, क्या देंगे, यह हम देखेंगे.... (व्यवधान)

SHRI R. S. PANDEY : If there is any change in the document, if it was tampered with, what is the position ?

Shri C. M. STEPHEN : This is a position which is very difficult to understand.

SHRI R. S. PANDEY : My direct charge is that** if he has removed 'Secret' from the letter which was produced before you.

MR. SPEAKER : Why don't you listen to me ?

SHRI JYOTIRMOY BOSU : On a point of order. Did you hear what he said ? Shri Pandey has said that** this kind of uncivilised utterance in this House is too much.

SHRI R. S. PANDEY : I want the ruling of the Speaker.

MR. SPEAKER : Do not do it. Let me finish.

SHRI K. S. CHAVDA : It should be expunged.

MR. SPEAKER : That is expunged.

Mr. Mishra, in this copy which you gave to me and which you produced, this letter along with it, nowhere is it mentioned that it is an attested copy or anything like that.

SHRI SHYAMNANDAN MISHRA : No.

MR. SPEAKER : It is with me, the same copy.

SHRI SHYAMNANDAN MISHRA : Today I have read out the whole thing. I am going ta outhenticate that which I read out this morning.

SHRI VIDYA CHARAN SHUKLA : He has not read the whole thing.

MR. SPEAKER : What about the document which you gave to me ?

SHRI SHYAMNANDAN MISHRA : That was at the stage when you must know the kernel of the thing. Otherwise, if I got it from any source as a secret document... (*Interruptions*)

MR. SPEAKER : It is still worse. (*Interruptions*)

What are you doing ? Kindly sit down.

This letter which is with me, which you gave to me is signed with a forwarding letter by you, and this one is separately given. In this, you have not attested it with your own signature. Now you say it is just a kernel of the letter.

SHRI SHYAMNANDAN MISHRA : I could have given the full which I have given you today also.

MR. SPEAKER : How then does it compare with the letter which you said you have sent to me ?

SHRI SHYAMNANDAN MISHRA : That is different.

MR. SPEAKER : I hope you will make it clear...

SHRI SHYAMNANDAN MISHRA : Where does it carry us ?

MR. SPEAKER : For me it was only a letter for reference which you said was just a kernel, and the real thing is what you say you have mentioned today.

SHRI SHYAMNANDAN MISHRA : Today I am authenticating it.

MR. SPEAKER : I am really surprised. Everything is confusing.

What about this which you gave to me for my reading and reference ? I took it as the letter which you handed to me for my reference. Now you say it is just a summary, a kernel. (*Interruptions*)

Let me finish.

SHRI R. S. PANDEY : You give your ruling.

MR. SPEAKER : No ruling.

SHRI JYOTIRMOY BOSU : Why are they taking shelter under small technicalities ?

MR. SPEAKER : No, these are not small technicalities.

श्री भोगेन्द्र झा: अध्यक्ष महोदय, एक सबमिशन है। दोनों खतों में शब्दों की भिन्नता की बात अलग है लेकिन जो कन्टेन्ट्स कहे गए हैं, उनका मतलब तो वही होता है...

अध्यक्ष महोदय : अरे क्या होता है, वह कहते हैं असली नहीं है। (**व्यवधान**)

श्री भोगेन्द्र झा : ऐसी हालत में बहस पूरी हो जाय लेकिन सदन से राय लेना इस पर, यह मुनासिब नहीं होगा जब तक

**Expunged as ordered by the Chair.

कि पत्रों के तथ्य के बारे में आप खुद जांच न कर लें या प्रिविलेज कमेटी को न दे दें।

MR. SPEAKER: Order, please. Both sides are putting up their case. It is for the House to decide. Please sit down now.

SHRI SHYAMNANDAN MISHRA: So, I was submitting that the letter, the summary of it you might say because it is "secret" and so on I could not produce it earlier, because I have my own way of going about it. ... (*Interruptions*) But I have told you that I am going to authenticate it, and I am going to place it on the Table of the House. I stick to it.

Then the position is this. Let the House bear it in mind that that letter in the material sense is not different from the letter which he is also quoting, because the operative part of it remains intact and there the word used is "explosives depot". May I say that since Mr. Shukla or Mr. Gokhale or Mr. Jagjivan Ram has not contradicted the earlier letter which I have produced and they did not show the differences, contrast between the two letters—

अध्यक्ष महोदय: आप मानते ही नहीं हैं और मुझ से कह रहे हैं ......

श्री श्यामनन्दन मिश्र: आप देखें जो स्टेटमेन्ट दिया हाउस में (**व्यवधान**)

अध्यक्ष महोदय: असली लैटर तो जो आज आपने पढ़ा है वह बता रहे हैं।

श्री श्यामनन्दन मिश्र: उसको कहां कंट्राडिक्ट किया है? आप जरा सुनिये तो शांति से।

अध्यक्ष महोदय: मैं शांति से सुन रहा हूं।

श्री श्यामनन्दन मिश्र: अगर इस लैटर और उनके लैटर में कन्ट्रास्ट था जो मैंने आपको दिया था तो फर्स्ट मार्च को जब उन्होंने यहां पर वक्तव्य दिया—

MR. SPEAKER: I hope you would not mind my interruption. You say this is not the full letter.

SHRI SHYAMNANDAN MISHRA: You please do not plead on his behalf.

MR. SPEAKER: No, No, I do not do that.

आप तो कहते हैं पूरा लेटर ही नहीं दिया, वह तो समरी थी।

SHRI SHYAMNANDAN MISHRA: All the more, if it is a truncated letter, if it is a fabricated letter, then on the 1st March itself he should have come forward with the contrast between the two. That he did not do. Then, on the 27th March, when Mr. Gokhale came, he also gave the legal argument in support of the Government stand, and that was—(*Interruptions*)

MR. SPEAKER: I am so sorry. There are many things concerning our office—we receive these letters addressed to me. He says this is the first one, and you say, you made it clear in the second letter. He says that the Ministry had made that clear on the 4th April. They say this is not the same letter.

SHRI SHYAMNANDAN MISHRA: What is the letter of the 4th April? I am not able to understand.

MR. SPEAKER: You can see that.

SHRI SHYAMNANDAN MISHRA: I can see. I am referring to the letter of the 11th March. (*Interruptions*)

MR. SPEAKER: Let the matter be understood very clearly.

SHRI SHYAMNANDAN MISHRA: A copy of the letter in the form in which it was submitted to you was made available to him in February. He came out with the statement on the 1st March; Mr. Gokhale came with his legal arguments on the 7th March; Mr. Jagjivan Ram in his reply told Shri Jyotirmoy Basu on the 29th March. On all these occasions, no contrast was pointed out in the letter which I had submitted and, therefore, my case is that they are now tampering with the records. That is because this letter is the crucial document. And do you think that the Government would have shut its eyes to the original document and not compared it with the letter which I had submitted? If the Government had got this letter in original on its file the first thing that they would have done when I presented this letter, was to have compared it with the letter I produced.

SHRI C. M. STEPHEN: He read that letter in the morning. The terms of that letter are contradictory to the terms of the letter filed with you....(*Interruptions*)

SHRI SHAMNANDAN MISHRA: Therefore, right in the beginning of my speech I had submitted that there had been tampering with records and I would refer to it in my reply. I have said that right in the beginning. Therefore, I am confirmed in my view and I leave it to the House and to the entire world to judge who has tampered with it.

I am making an offer again: Let us go to the Privileges Committee. They can decide, if I have tampered with it. I repeat it a thousand times that I am prepared to go to the Privileges Committee if they have the courage to refer it to the Privileges Committee.

SHRI H. N. MUKERJEE. You may appoint an *ad hoc* committee so that this matter might be settled. We are all hon. Members of this House and we hear allegations of forgery. I want to have an end of the matter. A person who has committed forgery has no business to be in this House. If the Government knows that somebody has committed forgery, there should be a motion to disqualify him from Membership of the House. If charges are made, how do I make up my mind? How does the country make up its mind? You must know. He accepts the challenge. Are we to go back with this impression when accusations of forgery are being hurled against one another?

MR. SPEAKER: One matter is already before the House. It is for the House to decide.

SHRI H. N. MUKERJEE: I want your ruling. This is a point of order. I want your direction. Are we to judge that he is a forgerer or he is a forgerer on that side? Are we deciding that? Who is deciding?

SHRI C. M. STEPHEN: Why this indignation of Prof. Mukherjee? What is the basis of the whole thing? He made a statement knowing it to be forged, believing it to be untrue and made allegations against the Minister on misrepresentation of facts before the House ...(*Interruptions*)

SHRI H. N. MUKERJEE: I want you to forget the motion. In this House an accusation of forgery has been mutually hurled. One Member has offered to appear before any committee. Privileges or whatever else. Government might also offer, I do not know. But I want to be satisfied on this point. We are Members of this House. No allegations of forgery against a Member or the Government should remain uninvestigated. I am not going to go back to my constituency, I want you to tell me something about this....

MR. SPEAKER: Please do not do it. Please resume your seat.

SHRI H. N. MUKERJEE: I do not want to take part in this miserable debate. it is utterly miserable.

SHRI C. M. STEPHEN: Why did you not feel agitated earlier? Why are you agitated now? What does the hon. Member say? The whole thing was started on an allegation against which anybody will feel aghast. What does it say? It says that the Minister, knowing it to be false, believing it to be untrue with the intention of deceiving the House made certain statements... (*Interruptions*)

MR. SPEAKER: Order please, I am not allowing you. Unless one matter is disposed of I cannot give consideration to other matters. This matter is already before the House.

SHRI JYOTIRMOY BOSU: Why is the Government afraid of going before the Privileges Committee? ... (*Interruptions*)

MR. SPEAKER: Unless the matter which we are discussing is disposed of, how can the other matter come up?

SHRI SAMAR GUHA: Sir, I rise on a point of order. This is an issue of an accusation of forgery and tampering made by the Honourable Member. I think the Resolution that was moved is now before the House. That has been debated. As rightly pointed out by Shri Mukherjee, this is an independent issue concerning the honour and integrity of the House. This is a matter of privilege. If this cannot be decided by the House, then you Sir, as the custodian of the honour, dignity and integrity of the House have to decide this issue.

MR. SPEAKER: This is a matter which is under consideration. I shall look into the other matter also, but let there be no discussion in between.

SHRI SAMAR GUHA: I am again repeating that this involves the integrity of this House. And it is your responsibility and you should yourself institute an inquiry.

MR. SPEAKER: You will also accuse me later on. It is for the House to decide. In such matters, it is for the House to decide as to what view they take. If I say something against this side or that, you will not even spare the Speaker.

SHRI PILOO MODY: You can decide about the forgery by a majority. Or you may ask the Minister to withdraw his remarks. Or you may send it to the Privileges Committee. You may do this in your wisdom.

MR. SPEAKER: No, please. I am not going to be dragged into this affair. (*Interruptions*)

SHRI SHYAMNANDAN MISHRA: So, Sir, this is a letter which has neither been denied nor controverted earlier. Now, it is not upto them to come forward and say that there are definite differences between the two letters; estoppel would apply.

Now, another plea that is being invented with regard to the Commanding Officer's letter is this; What has been stated by some of the hon. Members on the other side is this: This was an invalid letter because this referred to something which did not exist. So, this was an invalid letter. That was the plea which was taken by some hon. friends here. (*Interruptions*) Sir, the hon. Defence Minister, in his letter to Shri Tyagi, dated the 25th April, had said that the matter had been taken up with the Haryana Government. He stated in that letter as follows:

> "The letter of the Squadron Leader dated......was brought to the notice of the Ministry of Defence through appropriate channels on 29th July, 1971."

The letter of the 11th March, 1971 was brought to the notice through the appropriate channels on the 29th July, 1971. The Ministry of Defence wrote to Government of Haryana on the 27th August, 1971 and since then, the matter is under the consideration of the two Governments.

Since the 27th August, 1971 the matter is under the consideration of the State Government—Government of Haryana! It is during this period that we underwent the war with Pakistan. It is during this period that the construction of the Maruti Ltd. commenced and it has gone up to the point at which it happens to be at present. It is exactly during this period when they slept over this letter and they did not want this letter to be implemented.

Mr. Shukla said that there had been de-requisitioning of certain areas and therefore there was a change in the situation. Derequisitioning or requisitioning has absolutely no relevance to the imposition of restrictions. The land may be in the possession of S. N. Mishra and yet it can be subject to the restrictions under the Act of 1903.

Then he said, there is no ammunition depot in that sense. May I ask you to send your Secretary just now to the lobby, telephone and ring up this number?

MR. SPEAKER: Don't use us for this purpose. Have your own agency.

SHRI SHYAMNANDAN MISHRA: These are the numbers of the ammunition depot 391730 and 391242. If you ring up these numbers and ask for ammunition depot, you will get the ammunition depot. This is the ammunition depot which exists now, and there is an officer there who will attend to your call. My submission is this: whether the ammunition depot belongs to the Air Force or to the Army, it remains an ammunition depot. The Minister was keen to interpolate the word 'army', which was in fact a semantic deception. The word 'army' does not occur in the notification of 1962. He was trying to interpolate that word only with a view to invalidating the operation of the notification of 1962. Whether the ammunition depot is big or small—that also does not matter at all. But the ammunition depot is there. Therefore, I would say, the laws have been fully effective and the notifications have been fully operative. But it is only due to the lack of inclination on the part of Government to implement them that we find ourselves in this situation.

19.00 hrs.

Mr. Subramaniam, the Minister for Industrial Development, said that in the application it was mentioned that the location of the Maruti Limited would be 'Haryana'. I am quoting from a document which relates to the Licensing Committee. The Licensing Committee mentioned the location as "Gurgaon". That is the difference. Here also they have tried to blur the whole thing so that the House may not be able to know

[Shri Shyamnandan Mishra]

the distinction between the two. The description in the Licensing Committee note does occur in the way in which I have submitted before the House regarding the location of the Maruti Limited, namely, "Gurgaon". It is not mentioned "Gurgaon district". So, that point is also taken care of.

When Mr. Shukla made the remark gratuitously that the Maruti Limited was not even conceived of in 1969 he was completely wrong. He has been found to be wrong even on that account here during the course of the discussion that we had.

Lastly, there has been a demand by all parties on this side of the House that there should be a Committee of Parliament to go into the entire gamut of the matter, all aspects of the matter. It is a case of violation all along the line, whether you go into the capital structure, land acquisition or the defence rules and regulations. So, let there be a parliamentary committee to probe this matter. Indeed, the Prime Minister had conceded the need for instituting such a public probe in her speech in a meeting at Lucknow. We would like the Prime Minister to act upon that. This is the demand of the entire opposition. There is no difference on this; all hon'ble members who have spoken from this side of the House have stressed the need for the appointment of such a Committee.

May I say that we all read Ramayana and in the Ramayana, it is said that Lord Rama knew that Sita was pure. In the Valmiki Ramayana, Lord Rama says :

अन्तरात्मा च मे वेत्ति सीतां शुद्धां यशस्विनीम् ।

Rama's heart knew that Sita was pure. Yet, Sita had to undergo the fiery ordeal and she had also to be banished. Let the Prime Minister think about the whole matter. May be, Shri Sanjay Gandhi, a bright young man, had done everything on his initiative and he did not want these fantastic irregularities to be committed for him. It may be, the obliging Chief Minister of Haryana wanted to do these on his own. But I would repeat that he has indulged in these fantastic irregularities in order to put the Prime Minister in a situation of blackmail so that no action could be taken against him. Therefore, my submission is that the Prime Minister, in the interest of preserving her own fair name, should appoint a Parliamentary Committee, I would conclude by quoting a few lines from W. B. Yeats, the great poet in Old Stone Cross.

MR. SPEAKER : From Ramayana to W. B. Yeats ?

SHRI SHYAMNANDAN MISHRA : I can quote from Guru Granth Saheb also. It says :

"A statesman is an easy man;
He tells his lies by rote.

A journalist makes up his lies;
And takes you by the throat.

So stay at home and drink your beer;
And let the neighbours vote."

Since we know in what way some of the politicians behave, that is the comment which I would like to make in the words of W. B. Yeats.

MR. SPEAKER : The question is :

"That this House deplores the conduct of Shri C. Subramaniam, Minister of Industrial Development, Shri V. C. Shukla, Minister of State for Defence Production and Shri H. R. Gokhale Minister of Law, Justice and Company Affairs for misleading the House in their statements made in the House on the 22nd December, 1972, 1st March, 1973 and 7th March, 1973 with regard to the violation of the provisions of and orders made under the Indian Works of Defence Act, 1903 in spite of objections taken by the appropriate Defence authorities."

The motion was negatived.

MR. SPEAKER : I now adjourn the House *sine die*.

19.05 hrs.

The Lok Sabha then adjourned *sine die*.

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